



281

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CR-1951-2020 (O&M)

Date of decision: 28.08.2025

Deepak and others

...Petitioners

Versus

Saroj Saini and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Ravinder Malik, Advocate for the petitioners.

Mr. Pritam Singh Saini, Advocate for respondent No.1.

\*\*\*\*

**VIKAS BAHL, J. (ORAL)**

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the judgment dated 06.03.2020 (Annexure P-6) passed by the Additional District Judge, Panipat vide which the order dated 11.10.2019 (Annexure P-4) passed by Civil Judge (Junior Division), Panipat on the application under Order 39 Rules 1 and 2 CPC has been modified.

2. Learned counsel for the petitioners has submitted that vide order dated 26.06.2020, a Coordinate Bench of this Court while issuing notice of motion had observed that in the meantime, alienation of the property in question to third party shall remain in abeyance. It is submitted that the civil suit is of the year 2019 and the same is now listed for defendants' evidence for 15.09.2025 and has submitted that the present revision petition be disposed of by keeping the interim order in continuation till the disposal of the main suit. It is further submitted that certain observations made in the impugned order be not taken as final findings and the trial Court be directed to decide the case de hors of the observations made in the impugned orders.

3. Learned counsel for respondent No.1 has submitted that even the



petitioners be restrained from alienating the property and has no objection to the course of action as suggested by learned counsel for the petitioners.

4. Keeping in view the abovesaid facts and circumstances and fair stand taken on behalf of the petitioners as well as on behalf of contesting respondent No.1, the present revision petition is disposed of with the following observations/directions:-

- i) It is a matter of settled law that the observations made in the order deciding the application under Order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and the same are not to be taken into consideration at the time of final adjudication of the suit, which is to be decided independently, on the basis of evidence adduced by both the parties and the arguments raised on behalf of both the parties. It is clarified that the trial Court would decide the suit independently and in accordance with law, de hors of the observations made in the impugned order, as expeditiously as possible.
- ii) As agreed, both the parties would not alienate the property during the pendency of the suit.
- iii) This Court has not opined on the merits of the case and the trial Court would decide the case independently, in accordance with law, after hearing all the parties concerned.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

**28.08.2025**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:- Yes/No**

**Whether reportable:- Yes/No**