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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(322)

CR-1968-2022

Date of Decision: - 04.11.2025

Aman Kumar and another

....Petitioners

Versus

Joga Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Jai Bhagwan, Advocate
for the petitioners.

Mr. Ashok Verma, Advocate
for respondents No.1 and 2.

None for respondents No.3 to 6.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 05.03.2022 (Annexure P-5) passed by the Additional District Judge, Sirsa whereby appeal filed by respondents No.1 and 2 has been allowed by setting aside the order dated 28.11.2019 (Annexure P-4) passed by the Civil Judge (Jr. Division) Ellenabad, whereby application under Order 39 Rule 1 and 2 CPC filed by the respondents No.1 and 2/plaintiff has been dismissed.

2. Learned counsel for the petitioners has submitted that the

trial Court had dismissed the application filed by respondents No.1 and 2 under Order 39 Rules 1 and 2 CPC. It is further submitted that the Appellate Court has however set aside the said order and has allowed the appeal and has directed the parties to maintain status quo qua the suit property till the decision of the case by the learned trial Court. It is further submitted that the suit in the present case is of the year 2019 and since the suit is pending for so many years, thus, the petitioner would limit his prayer in the present petition to a direction to the trial Court to decide the said suit as expeditiously as possible. It is stated that the main suit be decided independently dehors of the observations made in the impugned order dated 05.03.2022.

3. It is a matter of settled law that the observations made in an order deciding application under Order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and the same have no bearing on the final order to be passed, which is required to be passed after considering the evidence, documents and pleadings of the parties. In the order dated 05.03.2022, it has also been observed that the observations made have no bearing on the merits of the case.

4. Keeping in view of the above-said facts and circumstances and the limited prayer made on behalf of learned counsel for the petitioners, the present revision petition is disposed of with a request to the trial Court to decide the civil suit which is pending since 2019 as expeditiously as possible. The said suit would be decided independently after hearing both the parties, dehors the observations made in the order



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dated 05.03.2022.

5. Counsel appearing for the parties before the trial Court are also requested to fully assist the Court in expeditious disposal of the case.

November 04, 2025
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No