



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

**CR-2219-2025
Decided on : 08.04.2025**

Salinder Singh and others

..... Petitioners

Versus

Gurmail Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Rahul Garg, Advocate and
 Mr. Naveen Batra, Advocate for the petitioners.

VIKRAM AGGARWAL, J (ORAL)

This is a petition preferred under Article 227 of the Constitution of India for the issuance of directions to the Court of learned Addl. Civil Judge (Senior Division), Nabha to decide the application under Order 39 Rule 4 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC') filed by the petitioners-defendants as also the application under Order 39 Rule 1 & 2 read with Section 151 CPC filed by the respondent-plaintiff expeditiously.

2. A suit for permanent injunction (Annexure P-1) was filed by the respondent-plaintiff against the petitioners-defendants restraining them from interfering in the peaceful possession of the respondent-plaintiff over the suit land (fully described in the plaint), situated at Village Lopey, Tehsil Nabha, District Patiala and from dispossessing him from the said land. The suit was accompanied by an application under Order 39 Rule 1 & 2 read with Section 151 CPC



(Annexure P-2) for the grant of ad-interim injunction. The suit was presented on 11.03.2024 and *ex parte* injunction (Annexure P-3) was granted on the same day, restraining the petitioners-defendants from interfering in the peaceful possession of the respondent-plaintiff over the suit land except adopting the due course of law.

3. Written statement (Annexure P-4) was filed by the petitioners-defendants alongwith reply (Annexure P-5) to the application for the grant of ad-interim injunction. An application under Order 39 Rule 4 read with Section 151 CPC (Annexure P-6) was also moved for vacation of the *ex parte* ad-interim injunction. This application was opposed by way of a reply (Annexure P-7). It is the case of the petitioners that arguments on the said application were heard in December, 2024 but the same is not being decided nor is the application under Order 39 Rule 1 & 2 CPC being finally decided.

4. I have heard learned counsel for the petitioners.

5. Learned counsel for the petitioners submits that arguments in the applications under Order 39 Rule 4 read with Section 151 CPC and Order 39 Rule 1 & 2 read with Section 151 CPC were addressed in December, 2024 but despite the same, no orders have been passed and the matter is being adjourned by fixing it for arguments on the said applications. Reference has been made to the interlocutory orders placed on record.

6. I have considered the submissions made by learned counsel for the petitioners.

7. The defendants put in appearance before the learned trial Court on 20.03.2024, as is evident from the interlocutory orders placed on record. On the



next date of hearing i.e. on 29.04.2024, an application under Order 7 Rule 11 CPC for rejection of plaint was filed. After few dates of hearing, the said application was withdrawn on 16.09.2024. On the very next date of hearing i.e. on 08.10.2024, an application under Order 39 Rule 4 CPC was moved. In between, on account of some resolution by the Bar Association, the matter could not be taken up. The interlocutory orders thereafter show that the matter is pending for arguments on the application under Order 39 Rule 4 CPC. It is the case of the petitioners that arguments have duly been addressed on the said application, though, the interlocutory orders do not say so. I do not find any force in this contention, for, whatever has been recorded in the interlocutory orders shall be deemed to have been correctly recorded. However, this Court is sanguine that the Court of learned Addl. Civil Judge (Senior Division), Nabha would be dealing with the matter in the right earnest and would be making all efforts to decide the application(s) expeditiously especially keeping in view the provisions of Order 39 Rule 3 A CPC.

8. In view of the same, I see no reason to issue any specific directions to the Court concerned for time bound disposal of the application(s).

The revision petition is accordingly disposed of.

Pending application(s), if any, stand(s) disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

08.04.2025
Mamta/Prince Chawla

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No