



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

216

Civil Revision No.2481 of 2022
Date of decision: November 4th, 2025

Gopal @ Mintu

.....Petitioner

Versus

Harbir and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jayant Yadav, Advocate
for Mr. P.R. Yadav, Advocate
for the petitioner.

Mr. Surender Saini, Advocate
for respondents No.6-I, III (a and b), V and VI.

Mr. Rohit, Advocate
for respondents No.2(a-c), 4(a), 6(II, IV), 7(II, IV) and 9(i-iii).

VIKAS BAHL, J. (ORAL)

1. This is a revision petition under Article 227 of the Constitution of India for setting aside the order dated 23.12.2021 (Annexure P-5) passed by the learned Civil Judge (Junior Division), Gurugram, and order dated 27.01.2022 (Annexure P-9) passed by learned Additional District Judge, Narnaul, whereby application under Order 39 Rules 1 and 2 read with Section 151 CPC and appeal dated 25.12.2021 have been dismissed.

2. On 13.09.2022, a coordinate Bench of this was pleased to pass the following order:

*“Present: Mr. P.R. Yadav, Advocate, for the
petitioner*

*Learned counsel for the petitioner/plaintiff
submits that his application filed under Order 39 Rule 1
and 2 CPC, seeking interim injunction in the suit for
possession by way of partition has been declined solely*

on the ground that the plaintiff failed to mention exact share of the property where the defendants are said to be raising construction, and where he was having possession. By referring Para No.2 of the plaint, learned counsel states that relevant jamabandi for the year 2020-21 was referred to and the same was also brought on record. Therefore, the shares of the parties were duly established. Further, he has referred to the site plan (Annexure P-16) in this regard.

Notice of motion for 2.2.2023.

The respondents are restrained from creating any third party rights in the suit property in the meanwhile.

13.9.2022”

3. Learned counsel for the petitioner has submitted that the abovesaid interim order is continuing since 2022 and since the suit which had been filed by the petitioner in the year 2021 is for separate possession by way of partition, it is prayed that the said interim order be maintained and the trial Court be requested to decide the suit as expeditiously as possible. It is submitted that the petitioner would not seek unnecessary adjournments and would fully assist the Court in expeditious disposal of the case.

4. Learned counsel for the contesting respondents has submitted that the grant of the said interim order should not be construed as an expression on the merits of the case and that they have no objection to the suit being decided expeditiously and has submitted that the respondents be permitted to raise all pleas which are available to them in the main suit and the main suit be decided independently, without being influenced by the interim order passed and made to continue in the present revision petition.

5. Keeping in view the abovesaid facts and circumstances and the fair stand taken by the learned counsel for the petitioner and the learned counsel for the contesting respondents, the present revision petition is disposed of with a request to the trial Court to decide the suit as expeditiously as possible.

6. As undertaken before this Court, the counsel appearing for the parties would fully assist the Court in the expeditious disposal of the case.

7. Interim order dated 13.09.2022 would continue till the time the suit is decided. The grant of said interim order should not be construed to be an expression on the merits of the case and it would be open to both the parties to raise all pleas which are available to them at the stage of final arguments and the suit would be decided independent of the observations made in the order granting interim stay.

November 4th, 2025
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No