



**CR-3963-2023 along with
other connected cases**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(308)**

1. CR-3963-2023
Labh Singh (since deceased) through legal representatives
....Petitioner

Versus

Manmohan Singh and another **....Respondents**

2. CR-3972-2023
Labh Singh (since deceased) through legal representatives
....Petitioner

Versus

Manmohan Singh and another **....Respondents**

3. FAO-3986-2023 (O&M)
Labh Singh (since deceased) through legal representatives
....Appellant

Versus

Manmohan Singh and another **....Respondents**

Date of decision: - 11.11.2025

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ivan Singh Khosa, Advocate, for the petitioner.

Mr. B.S. Bedi, Advocate, for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This order would dispose of above-said three cases. First



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case being CR-3963-2023 tilted as “Labh Singh (since deceased) through legal representatives Vs. Manmohan Singh and another”, in which, challenge is made to the order dated 10.03.2023 (Annexure P-1) passed by the 1st Appellate Court in Civil Appeal No.137 of 2023 by which the application filed by respondent No.1 under Order 41 Rule 5 CPC read with Order 39 Rule 1 and 2 CPC has been allowed. The second petition is Civil Revision No.3972 of 2023 titled as “Labh Singh (since deceased) through legal representatives Vs. Manmohan Singh and another” in which the challenge has been made to the order dated 10.03.2023 (Annexure P-1) passed by the 1st Appellate Court vide which the application filed by the petitioner for mesne profits has been dismissed. Third case is FAO No.3986 of 2023 titled as “Labh Singh (since deceased) through legal representatives Vs. Manmohan Singh and another”, in which the challenge is to the order dated 10.03.2023 passed by the Additional District Judge, Ludhiana vide which application under Order 39 Rule 1 and 2 CPC filed by respondent No.1 has been allowed.

2. It has been jointly submitted by learned counsel for the petitioner as well as learned counsel for respondent No.1 that Labh Singh had filed a suit for declaration to the effect that the plaintiff is the joint owner in possession along with defendant No.2/Inderjit Kaur. It is further submitted that the said suit was decreed and the counter-claim filed by defendant No.1 was dismissed. It is further submitted that against the said order, an appeal was filed by respondent No.1, in which, vide order dated



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10.03.2023, the interim order was passed in favour of respondent No.1 and vide an order of even date i.e. 10.03.2023, an application for mesne profits filed by the petitioner/plaintiff-Labh Singh was dismissed. It is stated that third order was passed on 10.03.2023 vide which the application under Order 39 Rule 1 and 2 CPC filed by respondent No.1-Manmohan Singh was allowed. It is further stated that against the said three orders, the present three cases have been filed. It has been pointed out that on 17.07.2023, a Co-ordinate Bench of this Court was pleased to pass the following order in Civil Revision No.3963 of 2023: -

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By way of present revision petition, the petitioner (plaintiff) has challenged the order dated 10.03.2023 passed by learned Additional District Judge, Ludhiana in its appellate jurisdiction, whereby, operation of the judgment and decree passed by the trial Court in favour of the petitioner (plaintiff) has been stayed.

Counsel for the petitioner points out that there is further stay of the injunction order passed against the respondents (defendants) while decreeing the suit by learned trial Court, which is in derogation to the law laid down by the Apex Court saying that no injunction can be granted against the injunction passed by the Court and thus relies upon Mohd Shakeel vs. Mohd Islam, (Delhi) 2023 (1) RCR (Civil) 702. However, counsel for the petitioner submits that he would confine his submission, if the impugned order is modified to the extent of granting stay over the alienation against the plaintiff and also not to create a third party rights/charge.

Notice of motion for 21.11.2023.

Till the next date of hearing, status quo in regard to alienation would be maintained by the parties i.e. plaintiff and



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defendants.

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To be heard along with CR-3963-2023.

*A photocopy of this order be placed on the file of other
connected case.*

*(SANJAY VASHISTH)
JUDGE*

July 17, 2023”

3. It is submitted that the said order is in continuance till date and has been in operation.

4. During the course of arguments, a very fair stand taken by learned counsel for the petitioner as well as learned counsel for respondent No.1. It has been pointed out that respondent No.2 is not a necessary party, inasmuch as, respondent No.2 has not filed any appeal against the judgment and decree vide which the suit of the plaintiff/petitioner was decreed and the said decree was also in favour of respondent No.2.

5. With the consent of learned counsel for the petitioner as well as learned counsel for respondent No.1, the present three cases are disposed of with the following directions/observations: -

- (i) Since the appeal filed by respondent No.1 against the judgment and decree dated 20.12.2022 has been pending since 2023 and the same is fixed for final arguments, thus, the 1st Appellate Court is requested to decide the appeal as expeditiously as possible, preferably within a period of six



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months from the next date of hearing.

- (ii) Counsel for the petitioner as well as learned counsel for respondent No.1, as undertaken before this Court, would fully assist the concerned Court in expeditious disposal of the said appeal.
- (iii) Till the time the said appeal is decided, the interim order dated 17.07.2023 passed in CR-3963-2023 would continue.
- (iv) The grant of said interim order and the continuance of the same would not be considered as an expression on the merits of the case and the main appeal would be decided and considered independently by the 1st Appellate Court after taking into consideration the arguments raised by all the parties concerned and on the basis of the documents and evidence on record.
- (v) As has been stated before this Court, the petitioner would not press the application for mesne profits till the time the case is decided by the 1st Appellate Court.

6. Pending application(s), if any, stand disposed of in view of the above-said order.

November 11, 2025
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No