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

CR-3558-2025

Date of decision: 02.07.2025

Lachhman Dass @ Laxman Dass and others

...Petitioners

Versus

Ashwani Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Omkar Chauhan, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 226/227 of the Constitution of India for setting aside the order dated 28.05.2025 (Annexure P-4) passed by the Additional District Judge, Karnal.

2. Learned counsel for the petitioners has submitted that since the First Appellate Court has specifically observed in order dated 28.05.2025 that the interim order has been passed till the decision of the application under Order 39 Rule 1 and 2 read with Section 151 of CPC on merits and has further directed the trial Court to decide the application under Order 39 Rule 1 and 2 CPC within a period of three weeks thus, he seeks permission of this Court to withdraw the present revision petition with liberty to the petitioners to raise all the pleas which are available to



them before the trial Court in the proceedings under Order 39 Rule 1 and 2 CPC. Learned counsel for the petitioners has however prayed that the trial Court be directed to decide the application under Order 39 Rule 1 and 2 CPC being uninfluenced by the observations made by the First Appellate Court.

3. In view of the above, the present revision petition is dismissed as withdrawn with liberty aforesaid.

4. Since the order passed by the First Appellate Court is only granting injunction in favour of the plaintiffs till the decision of application under Order 39 Rule 1 and 2 CPC thus, it is clarified that the trial Court would decide the application under Order 39 Rule 1 and 2 CPC after considering the pleadings of both the parties and also after hearing both the parties in accordance with law independent of the observations made in the order dated 28.05.2025.

02.07.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No