



146 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5682-2024 (O&M)
Date of decision : 17.02.2025

Sukhwinder Kaur & anr. Petitioners

Versus

Neeru Sharma & ors. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. H.K.Aurora, Advocate
for the petitioners.

PANKAJ JAIN, J. (ORAL)

1 On 04.02.2025 the following order was passed :-

“Counsel for the petitioners places reliance upon the provisions as contained under Order XXXIX Rule 3A CPC to submit that the ad interim ex parte temporary injunction cannot be allowed to be in-vogue for perpetuity. The Court granting ad interim temporary injunction has to dispose of the application expeditiously or if the same is being extended, the same has to be by recording cogent reasons. In the present case, injunction was granted against the petitioners vide order dated 01.11.2021 and the same has been allowed to continue to await service of respondent No.3 who is merely a proforma respondent being co-plaintiff i.e. plaintiff No.5 along with the appellants.

District Judge, Hoshiarpur to submit report after soliciting comments from the concerned officer before the next date of hearing.

Adjourned to 17.02.2025.

To be shown in the Urgent List.”



2 Report from District Judge, Hoshiarpur has been received, which reads as under :-

“In reference to letter bearing Endorsement No. 2566 dated 10.02.2025 of the Office of your goodself, on the subject cited above, it is submitted that Civil Appeal bearing No. 102/2021 titled as "Neeru Sharma vs Sukhwinder Kaur etc", was originally entrusted to the Ld. Predecessor of this court on 01.11.2021. The Ld. Predecessor of this Court vide order dated 01.11.2021, on application under Order 39 Rule 1 and 2 CPC read with Section 151 CPC, restrained the respondents from alienating the suit property till 13.12.2021 and issued notice of appeal as well as injunction application to the respondents for 13.12.2021. From the perusal of the zimni order passed by Ld. Predecessor of this Court, it comes out to surface that on 13.12.2021, Sh. D.S Judge Advocate filed power of attorney on behalf of respondents no. 1 and 2 and notice was ordered to be issued to respondent no.3 for 23.02.2022 on filing proper address and on 23.02.2022, notice was not issued to respondent no.3 due to non filing of correct address for 13.07.2022, 05.12.2022, 24.03.2023 and 17.10.2023.

The appeal was put up before undersigned for the first time on 17.10.2023. The respondent no 3 was ordered to be summoned on filing correct address for 07.02.2024, from 07.02.2024 to 19.04.2024 and from 19.04.2024 to 23.07.2024. The correct address of respondent no. 3 was filed on 23.07.2024, therefore, notice was ordered to be issued to respondent no. 3 for 21.10.2024. On 21.10.2024, notice issued to respondent no. 3 received back with the report of 'Refusal', therefore, respondent no. 3 was ordered to be summoned through munadi for 17.12.2024. On 17.12.2024, the respondent no. 3 since did not appear in person or through any counsel,



therefore, respondent no. 3 was proceeded against ex-parte and reply to the application under Order 39 Rule 1 and 2 CPC was ordered to be called for 25.03.2025. It is humbly prayed that the appeal was already continuing for the service of respondent no. 3 before Ld. Predecessor of this Court, therefore, when the file was put up before undersigned for 17.10.2023 for the first time, therefore, following the previous orders passed by the Ld. Predecessor of this Court, service of respondent no. 3 was continued. The respondent no. 3 was proceeded against ex-parte vide order dated 17.12.2024.”

Undersigned undertake to make best endeavors to decide the application under Order 39 Rule 1 and 2 CPC at earliest.

This is for your kind information, as desired.”

3 This Court is sanguine that the Additional District Judge, Hoshiarpur shall make earnest effort to abide by her own undertaking as furnished.

4 Revision stands disposed off.

17.02.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No