



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

**CR No. 5622 of 2025 (O&M)
DATE OF DECISION: 21.08.2025**

GURMEET SINGH AND OTHERS

.....PETITIONERS

Vs.

GURDIAL KAUR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Parminder Singh, Advocate, for the petitioners.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed by the petitioners-plaintiffs Gurmeet Singh and others under Article 227 of the Constitution of India, is for setting aside the impugned order dated 12.08.2025 (Annexure P-5), passed by the learned Additional Civil Judge (Senior Division), Indri, District Karnal (for short, 'the lower Court'), whereby the lower Court overlooked the prayer for grant of interim stay, merely on the ground that contesting respondent No. 1-defendant stated that she has not, till date, alienated the property. It is further submitted that the lower Court failed to consider that the petitioners had specifically prayed for restraining respondent No. 1-defendant, by way of an injunction application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short '*the CPC*'), from selling, transferring, or otherwise alienating the suit property during the pendency and disposal of the said application before the learned lower Court.

2. Brief facts of the case are that an application under Order VI Rule 17 CPC read with Section 151 thereof, for amendment of the plaint, was filed on 29.07.2025 (Annexure P-1) before the lower Court. Along



with the said application, the amended plaint (Annexure P-2) was also filed, seeking specific performance of contract with symbolic possession, along with consequential relief of permanent injunction against the contesting respondent No. 1-defendant, Smt. Gurdial Kaur.

3. The interim order dated 12.08.2025 (Annexure P-5), passed by the lower Court, which is the order under challenge, records that the application under Order VI Rule 17 CPC for amendment of the plaint was ordered to be put up for that date and that the learned counsel for the plaintiffs-petitioners had prayed that the defendant be restrained from alienating the suit property. However, learned counsel for contesting respondent No. 1-defendant opposed the request, contending that since the amendment application had been moved on the said date, reply thereto was to be filed, and till the same was decided, no interim relief could be granted.

4. Further, in the said order, it is noticed that an injunction application under Order XXXIX Rules 1 and 2 CPC had earlier been pressed by the plaintiffs-petitioners on a previous occasion, but no stay was granted. At the same time, counsel for contesting respondent No. 1-defendant submitted that, till date, no alienation of the suit property had been effected by the defendant.

5. Learned counsel for the petitioners submits that the learned trial Court overlooked the fact that the petitioners had specifically prayed for restraining the contesting respondent No. 1-defendant from selling, transferring, or otherwise alienating the suit property, but the said prayer was never taken into consideration.



6. I have heard learned counsel for the revisionist-petitioners and perused the paper-book.

7. In view of the order proposed to be passed, notice is not being issued to the respondents, as it would delay the proceedings besides entailing additional expense to them.

8. Keeping in view the above facts and circumstances, this Court finds that in the order dated 12.08.2025 (Annexure P-5), the lower Court has already observed that the defendant intends to file reply, and only thereafter the injunction application can be decided. Since the learned lower Court has applied its mind and fixed the matter for reply and consideration of the injunction application, no ground is made out for interference in the impugned order.

9. Accordingly, this Court finds no merit in the prayer for setting aside the order dated 12.08.2025 (Annexure P-5), passed by the learned Additional Civil Judge (Senior Division), Indri, District Karnal.

10. Finding no illegality in the said order, the present revision petition, being devoid of merit, is dismissed.

11. However, the learned lower Court is directed to expedite the proceedings in the injunction application and to decide the same at the earliest possible.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 21, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No