



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

115

CR-7245-2024(O&M)
Decided on: 28.04.2025

Tarlok Chand

... Petitioner

Versus

Kailash Chander

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rajiv Joshi, Advocate and
Ms. Srishti Shukla, Advocate
alongwith the petitioner in person.

Mr. Chanakya Batta, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India impugning the order dated 27.09.2024 (Annexure P-4) passed by the Additional District Judge, Jalandhar whereby the order dated 03.02.2020 passed by the Civil Judge (Jr. Divn.), Phillaur had been set aside and the matter has been remanded back to the trial Court.

2. On 04.02.2025, this Court had been pleased to pass the following order:-

*“Present: Mr. Rajiv Joshi, Advocate,
for the applicant-petitioner.*

*Present application has been filed under Section
151 CPC for preponement of the main case.*



Learned counsel for the applicant-petitioner has submitted that the applicant-petitioner had earlier sought an adjournment to place on record the order dated 25.07.2016 vide which the interim order was passed in favour of the respondent. It is submitted that the said order has been placed on record and has further submitted that the notice is yet to be issued in the present case whereas the case before the trial Court has been fixed for final hearing for 05.02.2025. It is submitted that in case, the present case is not preponed and the matter is not taken up for preliminary hearing, then the present petition would be rendered infructuous.

In view of the above and the averments made in the application, same is allowed and the main case is preponed from 04.03.2025 to today itself and is taken up on Board for hearing.

Main Case

Inter alia, contends that in the present case, only ad interim injunction was passed in favour of the respondent on 25.07.2016 and the civil suit filed by the respondent-plaintiff was finally decided vide judgment dated 03.02.2020 and as per the decree passed, it was held that the respondent-plaintiff was only entitled to recovery of Rs.35,000/- and no injunction was granted and thus, the interim order dated 25.07.2016 merged into the order dated 03.02.2020. It is submitted that since the interim order has merged into the main order, thus, the application under Order 39 Rule 2A CPC deserves to be rejected on the said ground alone.

*In support of his arguments, learned counsel for the petitioner has relied upon the judgment of the Division Bench of this Court in the case of **Rachhpal Singh***



Vs. Gurdarshan Singh in Civil Revision No.2331 of 1983
decided on 10.07.1984.

Notice of motion for 20.02.2025.

Notice re: stay as well.

To be taken up in the urgent list.

Till the next date of hearing, the trial Court is directed not to decide the case finally.

The appellant is directed to prepare a demand draft for an amount of Rs.35,000/- in the name of the respondent so as to satisfy the decree dated 03.02.2020.

Liberty is granted to the appellant to serve the respondent through dasti process as well as through the counsel appearing before the trial Court in the proceedings under Order 39 Rule 2A CPC.

04.02.2025”

4. Learned counsel for the petitioner has handed over a Demand Draft for an amount of Rs.35,000/- in the name of the respondent which fact has been re-affirmed by learned counsel for the respondent.

5. During the course of hearing, a consensus has been arrived at between the learned counsel for the petitioner as well as counsel for the respondent on instructions from their respective clients and in view of the same, the present revision petition is disposed of with the following directions/observations:-

- (i) The petitioner, as undertaken before this Court, would pay an additional amount of Rs.20,000/- to the respondent within a period of one month from today. Learned counsel for the respondent would forward the details of the bank account of the respondent to the



learned counsel for the petitioner within a period of 5 days from today and the petitioner would deposit the abovesaid amount of Rs.20,000/- in the said account within a period of one month from today.

- (ii) The order dated 27.09.2024, vide which the matter was remanded, is set aside and the order dated 03.02.2020 is upheld.

It is made clear that in case, the said amount of Rs.20,000/- is not paid by the petitioner within the aforesaid time, it would be open to the respondent to revive the present revision petition.

28.04.2025

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No

(VIKAS BAHL)
JUDGE