



CR-7291-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114

CR-7291-2024 (O&M)
Date of decision:08.01.2025

Babli

... Petitioner

Vs.

Surender & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. Aditya Jain, Advocate for
Mr. Rahul Vohra, Advocate for the petitioner.

Mr. Amit Sain, Advocate for the respondents.

...

SUKHVINDER KAUR, J.

1. The instant revision petition has been filed against the order dated 25.10.2024 passed by the Civil Judge (Jr. Division), Gurugram, (Annexure P-1), vide which prayer of the petitioner/plaintiff regarding status quo order was declined

2. The brief facts relevant for the purpose of adjudication of the present revision petition are that the petitioner/plaintiff filed a suit for permanent injunction claiming that she is owner of property bearing khewat No.190/176, khatoni No.202, killa No.53 (8-0) having 4/168 share i.e. 4 marlas (121 sq. yards) situated in the revenue estate of village Tigra, Tehsil Wazirabad, District Gurugram.

3. Along with the said suit, application under Order 39 Rules 1 and 2 CPC was also filed. Instead of filing the reply to the suit, the defendants also filed application under Order 7 Rule 11 CPC for rejection of



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the plaint. Plaintiff filed her reply to the said application. Both the applications are pending adjudication. The trial Court vide the impugned order dated 25.10.2024, declined the prayer of the plaintiff regarding status quo. Hence, aggrieved of the same, the petitioner/plaintiff has knocked the doors of this Court by way of filing the present revision petition.

4. Learned counsel for the petitioner has contended that declining the interim injunction amount to allowing the ongoing construction and virtually dismissal of the suit without leading any evidence as once the construction is completed, the suit would automatically become infructuous. He has further contended that learned trial Court has declined her prayer without appreciating the material facts and documents on record.

5. During the course of the arguments, learned counsel for the petitioner has submitted that he would be satisfied if the trial Court is directed to decide the application filed by the plaintiff/petitioner under Order 39 Rules 1 & 2 CPC pending before it in a time bound manner. Learned counsel appearing on behalf of the respondents has no objection if the prayer made by the petitioner is accepted.

6. In view of above, the present revision petition is disposed of with a direction to the trial Court, to decide on merits the stay application filed by the petitioner under Order 39 Rules 1 & 2 CPC expeditiously, as per law, preferably, within a period of 15 days from the date of receipt of copy of this order.

7. Status quo granted vide order dated 19.12.2024 by this Court is extended till the disposal of the application filed by the petitioner under



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Order 39 Rules 1 and 2 CPC by the trial Court.

8. It is, however, clarified that this order will have no bearing on the merits of the case while disposing of application under Order 39 Rules 1 & 2 CPC by the trial Court.

9. Disposed of in the aforesaid terms.

10. All pending applications, if any, also stand disposed of accordingly.

**(SUKHVINDER KAUR)
JUDGE**

08.01.2025
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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |