

CR-9560-2025

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2025:PHHC:175912



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-9560-2025

Date of decision : 19.12.2025

Prem Lata

... Petitioner

Versus

Rahul Yadav and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Anirudh Kaushal, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India read with Section 115 and 151 CPC for issuance of directions to the Civil Judge (Jr.Div.), Gurugram to decide the petitioner's application for temporary injunction under Order XXXIX Rules 1 and 2 CPC (Annexure P-2) in a time bond manner.
2. Learned counsel for the petitioner has submitted that the petitioner is 83 years old lady and had filed a suit for injunction restraining respondents no.1 and 2 from carrying out illegal construction, encroachment or acts of damage in violation of law. It is submitted that on account of the illegal construction raised, cracks have started appearing in the house of the petitioner (plaintiff). It is further submitted that other acts have also been



done by the respondents no.1 and 2 to harass the petitioner (plaintiff). It is argued that in the application under Order 39 Rules 1 and 2 CPC, reply has been filed and the case is listed today for arguments on application under Order 7 Rule 11 CPC as well as on the application under Order 39 Rules 1 and 2 CPC. Learned counsel for the petitioner has further highlighted the fact that a perusal of the order dated 23.10.2025 (page 44) would show that the arguments on application under Order 7 Rule 11 CPC were heard but it was stated that the order could not be pronounced on account of heavy cause list and huge pendency of orders to be typed by the Stenographer. The order dated 23.10.2025 which has been highlighted by the learned counsel for the petitioner is reproduced hereinbelow:-

*“Present: Ms. Seema, Advocate for plaintiff.
Sh. Vishal Sangwan, Advocate for defendant.*

Arguments on the application under order 7 rule 11, read with section 151 CPC heard but order could not be pronounced due to heavy causelist and huge pendency of orders to be typed by the Stenographers. Written submission on behalf of plaintiff filed. To come up on 01.11.2025 for consideration.

*Date of Order: 23.10.2025 (Rupam)
CJ(JD) Gurugram
UID NO. HR0557”*

From the perusal of the zimni orders, it is apparent that that an application under Order 7 Rule 11 CPC had been filed on 06.08.2025 to which a reply had been filed by the petitioner on the next date i.e., 28.08.2025 and since then the said application is pending and the same has



not been decided.

3. It is a matter of settled procedure that the application under Order 7 Rule 11 CPC has to be decided prior to the decision in the application under Order 39 Rules 1 and 2 CPC. From the facts highlighted by learned counsel for the petitioner, apparently there is urgency in the matter.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a request to the trial Court to decide the application under Order 7 Rule 11 CPC in the first instance expeditiously preferably within a period of 2 weeks from today. All the counsel are also requested to fully assist the trial Court in expeditious disposal of the said application. In case the said application is dismissed, then the trial Court is further requested to decide the application under Order 39 Rules 1 and 2 CPC as expeditiously as possible within a period of one month from the decision in the application under Order 7 Rule 11 CPC.

5. It is made clear that this Court has not opined on the merits of the application under Order 7 Rule 11 CPC or the application under Order 39 Rules 1 and 2 CPC and the said applications would be decided independently by the trial Court after hearing all the parties concerned.

(VIKAS BAHL)
JUDGE

December 19, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No