**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CMPMO No. 639 of 2026**
**Decided on: 28.10.2026**

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Dhani Ram **.....Petitioner**

**Versus**

Pushpa and Ors **.....Respondents**

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**Coram**

**Ms. Justice Jyotsna Rewal Dua**

**Whether approved for reporting?**[1]

For the Petitioner: Mr. Daleep Chand, Advocate.

For the Respondents: Nemo.

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**Jyotsna Rewal Dua, Judge**

The petitioner is the plaintiff in the Court below. He feels aggrieved against the order dated 16.10.2026, whereby the application moved under Section 151 of Civil Procedure Code (CPC) for preponement of the case was dismissed as not pressed.

**2.** Learned counsel for the petitioner submits that alongwith the civil suit, petitioner had also moved an application under Order 39 Rule 1 & 2 read with Section 151 CPC seeking temporary injunction and protection of

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

suit property during pendency of the proceedings. That case was listed before the learned Court below on 3.10.2026, when dusti summons were ordered to be served to the respondents for 07.10.2026. Service was effected upon the respondents / defendants, who appeared through their counsel on 07.10.2026. The matter was ordered to be listed for 13.11.2026 for filing of written statement. Petitioner alleges that respondents in the interregnum commenced construction work on the suit land, necessitating moving of an application by the plaintiff for preponement of the civil suit. The said application was dismissed on 16.10.2026 as not pressed.

**3.** Learned counsel for the petitioner submits that the application for preponement was pressed by the petitioner, and that is why the case was listed before the learned trial Court. The intention of the petitioner / plaintiff was to seek an order in his application moved under Order 39 Rules 1 and 2 CPC.

**4.** Given the fact that civil suit alongwith application moved under Order 39 Rules 1 and 2 CPC, is stated to be pending before the learned trial Court and scheduled for hearing on 13.11.2026, this petition is disposed of with direction to the learned Trial Court to take

up the application moved by the petitioner under Order 39 Rules 1 and 2 CPC for passing appropriate orders thereupon on the date already fixed. The petition to stand disposed of accordingly.

Pending application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

October 28, 2026
*R.Atal*