



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

(122)

CR-2521-2026 (O&M)

Date of Decision:-18.03.2026

KHURSHID AHMED AND OTHERS

... Petitioners

Versus

SHEHNAJ BEGUM AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ashwani Gaur, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. Petitioner filed this petition under Article 227 of the Constitution of India for setting aside the order dated 06.03.2026, vide which, learned Additional District Judge, Nuh (for short 'learned First Appellate Court') has dismissed the application for early hearing of the appeal or stay application filed along with appeal.

2. Briefly stated, petitioner filed a suit for partition of the joint land. Along with the suit, an application for interim injunction restraining defendants from carrying out construction was also filed. That application was disposed of by the learned Civil Judge (Junior Division), Tauru (for short 'learned Trial Court') with the observations that respondents/defendants can continue raising construction over the suit property but that construction would be subject to final decision of the suit and in case, the land fell into the share of plaintiff, defendant No.1 shall remove the construction raised thereupon at her own risk and cost.

3. Aggrieved by the order so passed, appeal was filed along with an application for interim injunction. Notice of the appeal was issued for 22.04.2026. Petitioner moved an application for early hearing on the grounds that respondent No.1 has started construction over valuable and specific front portion of the suit



property which is adjoining rasta and in case, respondent No.1 succeed in raising construction over the valuable and specific portion of the suit property, then plaintiffs/petitioners would suffer loss and injury which cannot be compensated and the purpose of filing of the appeal would be defeated. That application was dismissed by the learned First Appellate Court vide impugned order.

4. Aggrieved by the order so passed, the present petition has been filed.

5. I have heard counsel for the petitioner and gone through the file carefully.

6. The learned First Appellate Court has dismissed the application for early hearing on the grounds that trial Court in its order has clearly stated that any construction raised by defendant No.1 shall be at her own risk and shall remain subject to the final partition and that the said case does not fall within the category of action plan case, so, there is no merit in the application.

7. The High Court of Punjab and Haryana has prepared an Action Plan for disposal of old and targetted cases pending before the District Courts. It does not mean that the trial Courts or the Appellate Courts are to decide only Action Plan Cases. All cases are required to be expeditiously dealt with especially in the light of facts and circumstances of each case. In the present case, petitioners/plaintiffs have filed appeal against the impugned order, vide which, learned Civil Judge has disposed of injunction application with the observation that defendant No.1 is allowed to raise construction over the suit property at her own risk and cost and that would be subject to the final outcome of the suit. When petitioners/plaintiffs are aggrieved by the order and has assailed the said order in appeal passed by the Civil Judge, the Appellate Court declining to hear the petitioner on the ground that interest of the petitioners is already protected on account of order passed by the learned trial Court amounts to pre-judging the



appeal of the petitioners, so the impugned order is not sustainable. It is a fit case where jurisdiction vested in this Court under Article 227 of the Constitution of India is required to be exercised, so, the instant revision petition is allowed and the impugned order dated 06.03.2026 is set aside. Learned First Appellate Court is directed to pre-pone the date of hearing fixed in the appeal to a date convenient to the Court in the next working week of March, 2026 and to pass appropriate order on the interim injunction application.

8. As a natural corollary, since the main case stands disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

18th March, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No