



128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3047-2026 (O&M)

Date of Decision: 30.04.2026

CANARA BANK FARIDABAD MAIN BRANCH

...Petitioner

Vs.

RAM DEV SHARMA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sartaj Singh Gill, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)CM-9005-CII-2026

The present application has been filed under Section 151 CPC for placing on record copy of the the written statement on behalf of respondent-Bank/defendant No.3.

For the reasons mentioned in the application, duly supported by an affidavit of the petitioner, CM is allowed as prayed for. Written statement is taken on record as Annexure P-8.

CR-3047-2026

1. The present petition has been filed under Article 227 of the Constitution of India, seeking a direction to the learned Civil Judge (Junior Division), Faridabad, to expeditiously adjudicate upon the application dated 30.05.2024 filed under Order XXXIX Rule 4 of the Code of Civil Procedure. The petitioner also seeks discharge, variation, or setting aside of the order dated 01.05.2024 passed by the learned Civil Judge (Junior Division), Faridabad, whereby the petitioner-Bank has been restrained from proceeding with or effecting the auction sale of the suit property in any manner. It is submitted that the aforesaid application has remained pending adjudication

since 30.05.2024, and any further delay in its disposal is likely to result in grave prejudice and miscarriage of justice, particularly in view of the fact that the petitioner-Bank has already initiated proceedings under the SARFAESI Act against respondent No. 3/borrower.

2. Briefly stated, a suit for specific performance of an agreement to sell was instituted by the respondent/plaintiff, Ram Dev Sharma. Along with the suit, the respondent/plaintiff filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure seeking an ad interim injunction to restrain defendant No. 3-Bank from proceeding with the auction of the suit property. The said application was contested by the petitioner/defendant No. 3. The learned Civil Judge (Junior Division), Faridabad, vide order dated 01.05.2024, granted an interim order restraining the petitioner/defendant No. 3 from effecting the auction sale of the suit property for the time being, till the next date of hearing. However, the application under Order XXXIX Rules 1 and 2 CPC was not decided on merits at that stage, as the petitioner/defendant No. 3 had yet to file its written statement and reply to the injunction application. Subsequently, the petitioner/defendant No. 3 filed its written statement, reply to the injunction application, as well as an application under Order XXXIX Rule 4 CPC seeking vacation/variation of the interim injunction, which came to be filed on 30.09.2024. Despite the lapse of nearly two years, neither the main application under Order XXXIX Rules 1 and 2 CPC nor the application under Order XXXIX Rule 4 CPC has been adjudicated by the learned Civil Judge.

3. It is the case of the petitioner/defendant No. 3 that the civil suit is a clever device to defeat its lawful rights, particularly when it has already

initiated recovery proceedings under the SARFAESI Act and taken steps towards auction of the secured asset. It is further contended that the jurisdiction of the Civil Court is barred under the provisions of the said Act.

4. Learned counsel for the petitioner has thus urged that appropriate directions be issued to the learned Civil Judge to dispose of the pending applications expeditiously. It is submitted that injunction applications, especially where ad interim relief has been granted, are required to be decided within a stipulated time; however, in the present case, the interim order has continued for nearly two years. This is despite the petitioner/defendant No. 3 having moved an application for vacating the interim injunction, yet both the application under Order XXXIX Rules 1 and 2 CPC and the application under Order XXXIX Rule 4 CPC remain pending consideration.

5. This Court is of the considered view that the present case warrants exercise of its supervisory jurisdiction under Article 226/227 of the Constitution of India. Accordingly, without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to the learned Civil Judge (Junior Division) to expeditiously decide the application under Order XXXIX Rules 1 and 2 CPC, as well as the application under Order XXXIX Rule 4 CPC filed by the petitioner/defendant No. 3, preferably within a period of 10 days from the date already fixed before the Trial Court.

(VIRINDER AGGARWAL)
JUDGE

30.04.2026

kv

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*