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

CR-3961-2026

Date of decision: 11.05.2026

Kulwinder Singh

...Petitioner

Versus

Darshan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. I.P.S. Kohli, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 13.04.2026 (Annexure P-5) passed by the Additional District Judge, Kapurthala. Challenge is also to the order dated 30.07.2018 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that while passing the order on the application filed under Order 39 Rules 1 and 2 CPC, observations have been made by the Court which might prejudice the case of the petitioner before the trial Court. It is submitted that in the said circumstances, the petitioner be permitted to withdraw the present revision petition with liberty to raise all the pleas which are available to him during the course of trial but has submitted that the trial Court be directed to decide the case independent of the observations made in the impugned orders.



3. It is a matter of settled law that the observations made in order passed on an application under Order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and same are not to be taken into consideration at the stage of final adjudication.

4. Keeping in view the abovesaid facts and circumstances and reasonable prayer made on behalf of the petitioner, the present revision petition is dismissed as withdrawn with liberty to the petitioner to raise all the pleas which are available to him, during the course of trial.

5. It is clarified that the trial Court would decide the main suit on the basis of the evidence and arguments raised on behalf of all the parties, de hors the observations made in the impugned orders.

11.05.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No