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

CR-361-2025

Date of decision: 05.03.2025

Harshita and others

...Petitioners

Versus

Nand Kishor and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Atul Goyal, Advocate and
Mr. Amit Choudhary, Advocate for the petitioners.

Mr. Raman Kumar, Advocate for
Mr. Yash Dev Kaushik, Advocate for respondent Nos.1 and 8.

Mr. Bikram Choudhary, Advocate
for respondent Nos.2 to 7, 9 to 11.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 226/227 of the Constitution of India for setting aside the order dated 22.11.2024 (Annexure P-1) passed by the Civil Judge (Senior Division), Faridabad and order dated 10.12.2024 (Annexure P-2) passed by the Additional District Judge, Faridabad.

2. On 21.01.2025, this Court had passed the following order:-

*“Present: Mr. Atul Goyal, Advocate for
Mr. Amit Choudhary, Advocate for the petitioners.*

Inter alia contends that the Appellate Court had dismissed the appeal filed by the present petitioners against the rejection of the ad-interim injunction by observing that the



*appeal is not maintainable. Learned counsel for the petitioners has submitted that the appeal is maintainable and has relied upon the judgment of the Hon'ble Supreme Court of India passed in **A.Venkatasubbiah Naidu vs. S. Challappan** reported as **2000(7) SCC 695** in support of his arguments. It is submitted that at any rate, the impugned order dated 10.12.2024 deserves to be set aside and the Appellate Court is required to decide the appeal on merits.*

Notice of motion for 03.02.2025.

To be shown in the urgent list.

Liberty is granted to the petitioners to serve the respondents through the counsel appearing in the trial Court as well through dasti process.

January 21, 2025”

3. Learned counsel for the petitioners has highlighted that in paragraph 11 of the impugned order (Annexure P-2), it had been observed that the appeal is not maintainable whereas as per the settled law and also as per the judgment passed by the Hon'ble Supreme Court in the case of **A. Venkataubbiah Naidu** (Supra), the appeal against the rejection of ad-interim injunction is maintainable.

4. Learned counsel for the respondents have submitted that in case the matter is to be remanded, the respondents should be granted full opportunity to raise all the pleas on merits and order of remand should not be construed that the appeal of the petitioners is meritorious.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioners as well as learned counsel for the respondents, the present revision petition is partly allowed and the impugned order dated 10.12.2024 (Annexure P-2) passed by the First



Appellate Court is set aside and the First Appellate Court is directed to decide the appeal filed by the petitioners against the order dated 22.11.2024 afresh after hearing both the parties concerned.

6. It is made clear that this Court has not opined on the merits of the case and it would be open to both the parties to raise all the pleas as are available to them, in accordance with law.

05.03.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No