



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(116) **CR-647-2025(O&M)**
Date of Decision:- 31.01.2025

Sukhwinder SinghPetitioner

Versus

Mandeep Kaur and othersRespondent

CORAM HON'BLE MR. JUSTICE VIKAS BAHL

Present Mr.Chetan Bansal, Advocate,
for the petitioner.

VIKAS BAHL, J (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 29.11.2024 passed by the Court of Additional District Judge, Amritsar (Annexure P-8), whereby the Civil Misc.Appeal bearing No.56 of 2019 titled as "Sukhwinder Singh versus Mandeep and another" filed by the petitioner has been dismissed. Challenge is also to the order dated 06.03.2019 (Annexure P-6), passed by the Court of Civil Judge (Jr. Divn), Amritsar, whereby the application filed by respondent no.1 under Order 39 Rules 1 and 2 read with Section 151 of CPC has been allowed.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit for declaration and possession and it is during the pendency of the said suit that the property has been sold to the respondent no.1 Mandeep Kaur. It is submitted that the suit of the petitioner against the predecessor-in-interest of Mandeep Kaur has already been decreed and the petitioner will be pursuing his right to execute the said decree. It is submitted that as per the trial Court, the injunction granted in favour of respondent no.1 was to the effect that the respondent no.1 would not be dispossessed "except in due course of law". It is further submitted that the limited reason for filing the present revision



petition is that the observations made in the impugned order should not affect the decision in the main case or in the other proceedings. It is thus, prayed that the present petition be disposed of with the observation that the suit be decided *de hors* of the observations made in the impugned orders.

3. A perusal of the order dated 06.03.2019 would show that it has been observed by the learned trial Court that any observation made in the order would not affect the merit of the case. Moreover, it is well settled law that the observations made in the order deciding application under order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and are not to be taken in consideration at the time of final adjudication of the case and the case has to be decided and adjudicated on the basis of the evidence and pleadings.

4. In view of the above said settled proposition of law, the present petition is disposed of with the observations that the trial Court would decide the main suit independent of the observations made in the impugned orders and after taking into consideration the evidence and the documents on record and after hearing both the parties, in accordance with law.

31.01.2025
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(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No