



CR-5301-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224)

CR-5301-2024 (O&M)

Date of decision: - 11.03.2025

M/s Shree Balaji Industries and another

....Petitioners

Versus

M/s Guru Amar Industry Ltd. and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Animesh Sharma, Advocate,
Ms. Sakshi Sharma, Advocate, and
Mr. Gurfateh Singh Khosa, Advocate
for the petitioners.

Mr. Gaurav Chopra, Senior Advocate, with
Mr. Mohit Giri, Advocate, and
Ms. Devanshi Sharma, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the ex parte interim order dated 26.07.2024 (Annexure P-7). Challenge is also to the order dated 30.08.2024 (Annexure P-1).

2. Learned counsel for the petitioners has submitted that in the present case, respondent No.1 had filed an application under Order 39 Rule 1 and 2 CPC along with the civil suit and vide order dated 26.07.2024, an *ad interim* injunction was granted in favour of respondent



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No.1. It is further submitted that the petitioners had filed an application under Order 39 Rule 4 read with Section 151 CPC on 05.08.2024 (Annexure P-10) on a specific ground of non-compliance of Order 39 Rule 3 CPC and the trial Court vide order dated 30.08.2024, instead of deciding the said application, had observed that the main application under Order 39 Rule 1 and 2 CPC would be decided on merits and directed the defendants to file their written statement. It is submitted that against the said order, the petitioners have filed the present revision petition and a Co-ordinate Bench of this Court vide order dated 13.09.2024 was pleased to issue notice of motion and the operation of the impugned order dated 26.07.2024 and dated 30.08.2024 were stayed. It is submitted that since the application under Order 39 Rule 4 read with Section 151 CPC is on specific pleas, thus, the same also deserves to be decided independently.

3. Learned senior counsel for respondent No.1 has submitted that the defendants/petitioners have already filed the written statement and even the application under Order 39 Rules 1 and 2 read with Section 151 CPC is ripe for arguments and has submitted that once the said application is decided, then, there would be no need to decide the application under Order 39 Rule 4 CPC.

4. During the course of hearing, a consensus has been arrived at between the learned counsel for the petitioners as well as learned senior counsel for respondent No.1 and in view of the same, the present revision petition is disposed of with the following directions/observations: -



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- (i) The trial Court would decide the application filed by the petitioners under Order 39 Rule 4 read with Section 151 CPC (Annexure P-10) dated 05.08.2024 as well as the application under Order 39 Rules 1 and 2 CPC (Annexure P-4) dated 25.07.2024 together but by independently considering the said applications. The same be decided as expeditiously as possible, preferably, within a period of six weeks from 23.04.2025.
- (ii) Both learned counsel for the petitioners as well as learned senior counsel for respondent No.1 have stated that the counsel appearing for both the parties before the trial Court would be ready to argue the matter on the next date of hearing as well as the date which is convenient to the trial Court.
- (iii) Till the time the above-said applications under Order 39 Rule 4 read with Section 151 CPC as well as under Order 39 Rules 1 and 2 CPC are not decided, the interim order dated 13.09.2024 passed by the Co-ordinate Bench of this Court to the effect that "In the meantime, operation of the impugned order dated 26.07.2024 and that of the order dated 30.08.2024 shall remain stayed" shall remain in operation. The grant of said interim order should not be construed as an expression on the merits of the case and it would be open to both the parties to raise all pleas as available to them in both the applications and the trial Court would decide both the applications independently, in accordance with law.

March 11, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No