



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

126

CR-5626-2025

Date of Decision: August 21, 2025

Tarsem Singh

.....Petitioner

Vs.

Baldeep Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shubham Goel, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. The present revision petition is filed for the issuance of appropriate order or direction to the Court of learned Additional Civil Judge, Senior Division, Jalandhar to expeditiously decide injunction application filed by the respondent/plaintiff in Civil Suit No.137 of 2025 titled as 'Baldeep Singh and another versus Tarsem Singh and another' instituted on 16.01.2025 by the respondents/plaintiffs for declaration and permanent injunction.

2. Learned counsel for the petitioner contends that the application under Order 39 Rule 1 and 2 CPC after granting the interim stay was to be decided within 30 days, whereas, learned Additional Civil Judge (Sr. Division), Jalandhar has not decided the same till date.



3. Learned counsel for the petitioner further contends that from the very beginning, counsel for the petitioner made requests to the learned trial Court to decide the application but the requests were not even recorded in the zimni orders passed earlier, therefore, he prays that direction be issued to the Court to decide expeditiously.

I have heard learned counsel for the petitioner and perused the whole file with his able assistance.

5. It would be apposite to reproduce zimni orders which are placed on record as Annexure P-6, which are reproduced as under:-

“Suit received by way of entrustment. Report of reader perused. Suit be registered. Alongwith suit the plaintiff has also filed an application under Order 39 Rule 1 and 2 read with Section 151 CPC. However counsel for plaintiff sought adjournment for arguments on ad- interim injunction. Accordingly, case is adjourned to 17.01.2025 for arguments.

4. Thereafter, the case was adjourned to 17.01.2025 and learned Civil Judge (Jr. Division), Jalandhar passed the following order:-

“Suit received by way of entrustment. It be registered.

1. Alongwith the main suit, an application under Order 39 Rule 1 and 2 CPC has been filed by the applicant/plaintiff, who has submitted that present suit has been filed seeking relief of permanent injunction and suit for declaration on the ground that the property in dispute as mentioned in the head note of the plaint is Joint Hindu Family Property/co-partitionery property consisting plaintiff and defendants as co-sharers as the



property in dispute was inherited by defendant No.1 from his fore- fathers and thus, the plaintiffs have got their right and interest over the property in dispute being co-partioners but now defendant No.1 in order to defeat the legal rights of the plaintiff, has started negotiating with different persons to sell suit property without any legal necessity. Thus, present suit has been filed.

2. *Heard. In order to support the averments, plaintiff has placed on record the copy of fard jamabandis along with khasra girdawari and at this stage, perusal of the documents depicts that property in dispute consisting joint khatas and plaintiff and defendants are co-sharers. At this stage, plaintiff has been able to establish prima-facie case and as per the averments of the applicant, they are having apprehension if the stay is not granted in their favour then legal right existing in their favour will get defeated and the purpose of filing of present suit become infructuous.*

3. *Accordingly, ad-interim injunction is granted in favour of plaintiff and against defendant No.1 restraining them from alienating transferring, selling, leasing out as mentioned in the head note of the plaint till next date of hearing. However, this stay order shall not be operative against any financial institution or any government authority, in case goverment authority is pursuing any lawful remedy against the plaintiff. Compliance under Order 39 rule 3 CPC be made immediately on failure of which it would lead to automatic vacation of the interim stay granted today. The notice of the stay application as well as suit be given to the respondent/defendant for 10.02.2025. Dasti summons be taken, if so desired.”*



5. Thereafter, the case was adjourned to 10.02.2025 and learned Civil Judge (Jr. Division), Jalandhar passed the following order:-

“Sh. R.K. Bhardwaj, Adv. Filed power of attorney on behalf of def. No.1. Sh. Mohit Trikha, Adv. Filed power of attorney on behalf of def. No.2. Same is placed on record. Now, case is adjourned to 11.03.2025 for filing written statement as well as reply to the stay application. Stay extended till date fixed.”

6. Thereafter, the case was adjourned to 11.03.2025 and learned Civil Judge (Jr. Division)-20, passed the following order:-

“Today the case was fixed for filing written statement. Same is filed by def. No.1 and placed on record. Now, case is adjourned to 06.05.2025 for filing written statement by def. No.2. Stay be extended till date fixed.”

7. Thereafter, the case was adjourned to 06.05.2025 and learned Additional Civil Judge (Jr. Division), Jalandhar passed the following order:-

“Case received by way of transfer. It be registered.

Written statement on behalf of defendant No.2 not filed. On request of counsel for defendant No.2, case is adjourned to 04.07.2025 for filing the same. Stay be extended till date fixed.”

8. Thereafter, the case was adjourned to 04.07.2025 and learned Additional Civil Judge (Jr. Division), Jalandhar passed the following order:-

“Replication on behalf of plaintiff filed, to the written statement of defendant No.1. Copy supplied.

Written statement on behalf of defendant No.2 along with reply to application under order 39 Rule 1 and 2 CPC filed.



Copy supplied. Now to come up on 21.08.2025 for filing replication, if any and for consideration on application under order 39 Rule 1 and 2 CPC. Stay be extended till date fixed.”

9. A perusal of the record, as referred above, shows that there is no delay on the part of the Court in deciding the application under Order 39 Rule 1 and 2. The delay is on the part of the petitioner-defendant No.1 as well as on the part of defendant No.2. Since, the Court is required to provide an opportunity of being heard to all parties, it could not proceed to decide the matter without receiving the written statement and the reply to the application under Order 39 Rules 1 and 2. The said reply on behalf of Defendant No.2 was filed on 04.07.2025, and accordingly, the matter was adjourned to 21.08.2025 for filing of the replication and for consideration of the application under Order 39 Rules 1 and 2.

10. In view of the above, I do not find any merit in the present revision petition and the same is hereby dismissed.

August 21, 2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No