

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****123****CR-2565-2025(O&M)****Date of decision: 30.04.2025****Seema Gupta****...Petitioner(s)****Vs.****M/s Bindlish Industries & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Rupali S. Verma, Advocate with
Ms. Neetu Singh, Advocate
for the petitioner.

*********NIDHI GUPTA, J.**

Present petition under Article 227 of the Constitution of India has been filed by the defendant No.4 seeking a direction to the learned Civil Judge (Junior Division), Dera Bassi to decide the pending applications, awaiting adjudication for the last more than 4 years the same being: -

- a) Application under Order XXXIX Rule 1 and 2 CPC, 1908 filed by respondent No.1-plaintiff (Annexure P3) wherein ex parte interim injunction was granted vide order dated 16.9.2020(Annexure P2).
- b) Application filed by pro-forma respondents No.2 and 3 (PSIEC) dated 22.01.2021 (Annexure P4) under Order VII Rule 11 CPC, 1908 for rejection of the plaint which is also pending adjudication for the last about 4 years.



c) Application dated 20.09.2021 (Annexure P5) filed by respondent No.1-plaintiff for amendment of the plaint.

2. Ld. Counsel for the petitioner submits that the petitioner had participated in an open auction conducted by the defendants No.1 and 2/pro-forma respondents No.3 and 4 herein, namely Punjab Small Industries and Export Corporation Limited, upon which she was allotted a 1000 square yard plot vide allotment letter dated 09.10.2019 (Annexure P6). The petitioner has already paid 40% of the sale consideration and she is awaiting possession of the plot for the last more than 5 years. However, process of handing over of the possession to the petitioner has been stalled on account of the frivolous Civil Suit for declaration filed by the plaintiff/respondent No.1 herein. It is submitted that along with the Civil Suit dated 10.09.2020 (Annexure P1), the plaintiff had filed an application under Order 39 Rule 1 and 2 CPC (Annexure 3). Vide order dated 16.09.2020 (Annexure P2), ad interim injunction has been granted against the petitioner without any decision being taken on the main application; due to which the petitioner is suffering immensely.

3. It is further submitted that the pro-forma respondents No.2 and 3 had also filed an application under Order 7 Rule 11 CPC dated 22.01.2021 (Annexure P4) for rejection of the plaint. The plaintiff himself has also filed an application dated 20.09.2021 (Annexure P5) for amendment of the plaint. It is submitted that the said applications are



pending for over four years. It is accordingly prayed that a direction be issued to the learned trial Court to expeditiously dispose of the applications i.e. Annexure P3, Annexure P4 and Annexure P5 in the interest of justice.

4. No other argument is made on behalf of the petitioner.

5. I have heard learned counsel for the petitioner and perused the case file in great detail.

6. Perusal of the record of the case shows that the plaintiff had filed the present Civil Suit in which ad interim ex parte injunction was granted in his favour vide order dated 16.09.2020 (Annexure P2) on the ground that the plot of the petitioner has been carved out in an illegal manner in violation of the Master Plan and applicable Zoning Regulations. Accordingly, while granting ad interim injunction vide order dated 16.09.2020 (Annexure P2), learned trial Court has recorded that:-

“A prima facie case is made out in favour of plaintiff qua defendant No.4 in view of the zonal plan Annexure-P3 showing in the public open space. Taking over of the possession by defendant No.4 in the public open space shall be an irreparable loss and injury and shall be violative of the building by-laws & Zonal Plan. As such the balance of convenience also lies in favour of the plaintiff and against defendant No.4. The very purpose of filing of the suit shall be rendered infructuous if ad-interim relief is not granted. Thus, the defendant No.4 is ordered to maintain status quo qua the suit property in all respects till 05.10.2020. However, it is hereby made clear that this ad-interim ex-parte injunction order is subject to the



compliance of provisions under Order 39 Rule 3 CPC immediately by plaintiff. Plaintiff shall also ensure the service of defendant for the date fixed by taking dasti summons, failing which ex parte ad-interim order shall stand vacated automatically.”

7. It has also come on record that vide order dated 26.10.2020, the petitioner was proceeded against ex parte. As such, order of ad interim injunction qua the petitioner stood extended till decision of the stay application. However, subsequently, vide order dated 05.03.2021, the ex parte proceedings against the petitioner were set aside subject to payment of cost of Rs.1,000/-. Perusal of the zimni orders reproduced by the petitioner in the present petition reveal that thereafter, the matter is being adjourned primarily for filing of reply and arguments on application filed by the plaintiff under Order 6 Rule 17 CPC.

8. Keeping in view the entirety of the facts on file, it is clear that the learned trial court is well apprised of the matter; and no ground is made out to grant the prayer of the petitioner. The present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

30.04.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No