



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

129

CR No.2304 of 2025 (O&M)  
Date of decision: 09.04.2025

Jagdeep Kaur and another

...Petitioners

V/s

Jatinder Singh

...Respondent

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Ms. Raman Kaur Bhathal, Advocate, for the petitioners.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition has been preferred under Article 227 of the Constitution of India seeking issuance of directions to the Court of learned Principal Judge, Family Court, Derabassi to decide the application moved by the petitioner under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short the "CPC") for the grant of *ad interim* injunction along with the suit (Annexure P-1).

2. The facts, as emanating from the revision petition, are that a suit for permanent injunction restraining the respondent from alienating, transferring, mortgaging or creating any charge over the ancestral property (fully described in the plaint), situated in Village Bhagwanpur, Tehsil Dera Bassi, District SAS Nagar (hereinafter referred to as the "suit land") was filed by the petitioners.

3. Petitioners are the wife and the daughter respectively of the respondent. The suit was accompanied by an application under Order 39



Rules 1 and 2 CPC for the grant of *ad interim* injunction. Though, written statement has been filed, no reply to the application for the grant of *ad interim* injunction has been filed. The sole grievance of the petitioner is that no decision has, therefore, been taken on the application for the grant of *ad interim* injunction.

4. I have heard learned counsel for the petitioners.

5. Learned counsel has referred to interlocutory orders passed in the suit and has submitted that the non-decision on the application for the grant of *ad interim* injunction has gravely prejudiced the rights of the petitioners.

6. I have considered the submissions made by learned counsel for the petitioners.

7. Admittedly, the suit was filed in January 2024. The respondent put in appearance before the Court concerned on 15.02.2024 and prayed for time to file the written statement, as also reply to the application for the grant of *ad interim* injunction. Various orders passed from time to time show that the reply to the application for the grant of *ad interim* injunction has not been filed. In between, an application under Section 10 CPC was filed. Thereafter, the matter also remained pending for efforts of settlement by way of a compromise. However, the fact remains that till today, the reply to the application for the grant of *ad interim* injunction has not been filed and the application, therefore, remains undecided.

8. It has to be borne in mind that the parties institute cases mostly seeking urgent interim reliefs. Specific timelines have been laid down in the CPC for the decision of such applications. Non-decision on the application and even the non-filing of a reply, in the considered opinion of this Court, has gravely prejudiced the rights of the petitioners.



9. That being so, the present revision petition is disposed of with a direction to the Court concerned to decide the application filed by the petitioner under Section 39 Rules 1 and 2 CPC within a period of one month from the next date of hearing i.e. 17.04.2025.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**April 09, 2025**

vchgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No