

CR-3363-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.124

CR-3363-2025 (O&M)**Date of decision : 29.5.2025**

M/s EMC Super Speciality Hospitals Private Limited

... Petitioner

VERSUS

Dr. Harbir Singh Dhillon and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAINPresent: Mr. Prateek Sodhi, Advocate,
for the petitioner.

PANKAJ JAIN, J. (Oral)

Challenge is to order dated 2.5.2025 whereby prayer seeking *ex parte* ad interim temporary injunction has been declined observing as under :

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*“Suit received by way of entrustment. Report of Reader perused. It be registered. Along with the suit, an application under Order 39 Rule 1 and 2 CPC has been filed. Heard. I deem it appropriate to hear the opposite party before granting *ex parte* ad-interim injunction. At this stage, no ground is made out for grant of *ex parte* ad-interim injunction. Hence, notice of the present suit as well as of application under Order 39 Rule 1 and 2 CPC be issued to defendants through ordinary manner as well as through registered post for 05.05.2025 on filing requisite process fee, copies of plaint, registered cover. *Dasti summons* be also issued.”*



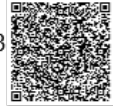
2. Counsel for the petitioner relies upon **Gagandeep Singh Arora v. Richa Singh and others 2021 (2) RCR (Civil) 801** wherein this Court while dealing with somewhat similar situation, observed as under : -

“3. *Perusal of the order under revision reflects that the trial Court, having heard the matter, deemed it appropriate to hear the opposite party before issuing an interim injunction and accordingly directed notice of the suit as well as the stay application being issued to the defendants.*

4. *It is within the discretion of the trial Court, after hearing preliminary arguments, to decide as to whether it is a fit case for grant of an ex parte interim injunction or whether it requires hearing of both sides before a decision could be taken. However, when the trial Court having heard the matter, deems it appropriate to hear the opposite party before considering grant of an interim injunction, brief reasons should be recorded for denying ex parte relief at that stage. When the petitioner/plaintiff made certain averments in the plaint which, according to the learned counsel, warranted grant of an ex parte interim injunction, the trial Court could not have baldly recorded that having heard the matter, it deemed it appropriate to hear the opposite party also. Therefore, the order under revision falls short of the required standard on this ground.*

5. *The revision is accordingly allowed setting aside the order dated 09.11.2020 passed by the learned Civil Judge (Junior Division), Amritsar, in Civil Suit No.2505 of 2020.*

6. *The trial Court shall consider afresh the prayer of the petitioner/plaintiff for ex parte ad interim relief in the said suit. It is made clear that this Court has not gone into the merits of the matter and it is for the trial Court to decide as to whether the case is a fit one for grant of such ex parte relief or whether it requires hearing of both sides before further consideration. In the latter event, the trial Court shall record brief reasons as*



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to why it deems it appropriate to defer consideration of the injunction application till the other side is also heard.”

3. In view of above, the present revision petition is disposed of with direction to the Trial Court to consider the prayer made by the petitioner-plaintiff afresh. The impugned order is set aside. It is expected that the Trial Court shall pass a speaking order after considering the claim of the petitioner-plaintiff afresh. The factum of there being registered lease deed in favour of the petitioner and that the premises is being utilized for providing essential services i.e. health services, shall constitute relevant considerations for the Trial Court in deciding the prayer of plaintiff/petitioner.

(PANKAJ JAIN)
JUDGE

May 29, 2025
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No