



CR-396-2025

1

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

CR-396-2025

Date of decision : 22.01.2025

Jasdev Mattu

... Petitioner

Versus

Harmohinder Singh Virk and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sanjiv Gupta, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India against the impugned order dated 08.12.2023 (Annexure P-19) passed by the Civil Judge (Jr.Div.), Chandigarh, vide which the application filed by the petitioner under Order 1 Rule 10 CPC has been rejected.

2. Learned counsel for the petitioner has submitted that the Executing Court had dismissed the application filed by the petitioner for being impleaded after noticing the fact that the petitioner had filed a suit for specific performance against decree holder on the basis of MOU dated 14.06.2016 which is also pending and thus, seeks to withdraw the present petition with liberty to take up all the pleas which are available to him in the said suit. It is submitted that the application under Order 39 Rules 1 and 2

**CR-396-2025****2**

CPC in the said suit has not been decided and liberty be granted to the petitioner to press the application under Order 39 Rules 1 and 2 CPC with a prayer for injunction.

3. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

4. It is made clear that it would be open to the petitioner to raise all the pleas as are available to him in law in the said suit and also to press his prayer for grant of injunction in the said suit, if not already decided. Any such prayer made would be considered by the Court independently after hearing both the parties concerned, in accordance with law.

(VIKAS BAHL)
JUDGE

January 22, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No