

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

CR-7332-2025

Date of decision: 15.10.2025

Kartar Singh and another

...Petitioners

Versus

Nand Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Shehbaz Thind, Advocate for the petitioners.

DEEPAK GUPTA, J. (ORAL)

Petitioners herein are the plaintiffs in Civil Suit bearing CS-22526-2023 titled '*Kartar Singh Vs. Nand Singh and others*', pending before Civil Judge (Junior Division), Ludhiana.

2. In that case, vide an order dated 27.12.2023 (Annexure P-3), *ex parte* injunction was passed in favour of the plaintiffs, restraining the defendants from interfering in the peaceful possession of the plaintiffs or dispossessing them from the suit property illegally and forcibly, till the next date of hearing. The operation of this Court order was extended from time to time. On 07.01.2025, after noticing that despite availing six opportunities, counsel for the plaintiffs was not arguing on merits of the application, the *ex parte* stay was vacated. Issues were framed and the matter was adjourned for evidence.

3. Plaintiffs moved an application under Section 151 of CPC for recalling the order dated 07.01.2025 and to decide the application under Order 39 Rule 1 & 2 CPC on merits. However, that application has been declined by the trial Court by way of the impugned order dated 20.08.2025



(Annexure P-6).

4. The only submissions made by learned counsel for the petitioners is that petitioners do not press for revival of the *ex parte* stay but that the trial Court should consider the application under Order 39 Rule 1 & 2 CPC on merits.

5. The aforesaid submissions contain merit. Since, application under Order 39 Rule 1 & 2 CPC has not been considered on merits, therefore, the impugned order dated 20.08.2025 (Annexure P-6) is hereby set aside. The trial Court is directed to dispose of the application under Order 39 Rule 1 & 2 CPC on merits, by providing opportunity to counsel for both the sides.

6. Disposed of accordingly.

7. Since, this order has been passed without issuing any notice to the opposite party to avoid delay, they will be at liberty to approach this Court, in case, they feel aggrieved by this order.

15.10.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No