

CR-1006-2025

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2025:PHHC:103635



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

CR-1006-2025

Date of decision : 11.08.2025

Meena Chauhan and others

... Petitioners

Versus

Ravi Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Reshabh Bajaj, Advocate
for the petitioners.

Mr.Prashant Singh Chauhan, Advocate
for respondent no.1.

Mr.Nitin Sansanwal, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 13.08.2024 (Annexure P-8) passed by the Additional District Judge, Gurugram, vide which while adjudicating upon the appeal preferred by the petitioners against the order passed by the Civil Judge (Jr.Div.), Gurugram, the Additional District Judge has directed the Court to take action against the present petitioners as per law.

2. Learned counsel for the petitioners has submitted that in the



present case, respondents no.1 and 2 had filed a suit for specific performance, permanent injunction and mandatory injunction with respect to plot no.1397/A/5. It is submitted that all the averments made in the plaint were with respect to the said plot and not a single averment was made with respect to plot no.1397/B/5 and it is apparent from the reading of the plaint that the suit property was only plot no.1397/A/5. It is argued that although the trial Court vide order dated 02.03.2024 noticed that there were two plots i.e., plot no.1397/A/5 and plot no.1397/B/5 but had granted injunction and directed the parties to maintain status quo qua alienation and qua possession only with respect to the suit property which was plot no.1397/A/5.

3. It is submitted that an appeal was filed against the said order dated 02.03.2024 and in the said appeal, challenge was made on merits however inadvertently, the counsel appearing before the Ist Appellate Court had raised the plea that the injunction order dated 02.03.2024 was with respect to both the properties. It is submitted that the said argument is apparently incorrect, as is clear from the bare reading of the plaint. It is argued that the Ist Appellate Court vide order dated 13.08.2024 did not decide the appeal filed by the petitioners on merits but in view of the fact that the plot no.1397/B/5 had been sold by the petitioners during the pendency of the appeal, sought to take action against the petitioners. It is submitted that there was no restraint with respect to plot no.1397/B/5 and therefore, the sale of the said plot does not violate any injunction order and thus, the action sought to be taken against the petitioners is completely



misconceived. It is argued that in the said circumstances, the impugned order dated 13.08.2024 be set aside and the Ist Appellate Court be directed to decide the appeal filed by the petitioners on merits.

4. Learned counsel for the respondents have submitted that the order dated 02.03.2024 has not been challenged before this Court and it is the order dated 13.08.2024 which has been challenged. It is further submitted that it was the own argument of the learned counsel for the petitioners before the Ist Appellate Court that the injunction order was qua both the properties. It is submitted that the respondents have filed an application under Order 6 Rule 17 CPC for making amendment and in the said amendment, the plot no.1397/B/5 is also sought to be included as it is the case of the respondents-plaintiffs that the petitioner no.1-Meena Chauhan does not own and possess 150 square yards in plot no.1397/A/5 but owns and possesses the same in plot no.1397/B/5. It is argued that in case the impugned order is set aside and no action is to be taken against the petitioners and the appeal is required to be re-heard on merits, then the said order should not come in the way of the respondents in pursuing the application under Order 6 Rule 17 CPC.

5. During the course of arguments, a consensus has been arrived at between the learned counsel for the petitioners and the learned counsel for the respondents and on the basis of said consensus, the present petition is disposed of in the following directions:-

i) Since at present, plot no.1397/B/5 is not part of the suit



property, the impugned order dated 13.08.2024 is set aside.

ii) The Ist Appellate Court is directed to decide the appeal filed by the petitioners on merits as expeditiously as possible.

iii) It would be open to the respondents to pursue their application under Order 6 Rule 17 CPC which would be considered independently, after hearing both the parties concerned, uninfluenced with the result of the present revision petition.

(VIKAS BAHL)
JUDGE

August 11, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No