



CR-1961-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CR-1961-2025

Date of decision: - 29.04.2025

Shri Ram Sharma @ Shri Ram

....Petitioner

Versus

Gram Panchayat and others

....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vivek Aggarwal, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for quashing the impugned order dated 29.01.2025 passed by the Additional District Judge, Karnal. Challenge is also for setting aside the order dated 21.11.2024 passed by the Civil Judge (Junior Division), Karnal whereby the application under Order 39 Rule 1 and 2 read with Section 151 CPC filed by the petitioner/plaintiff has been dismissed.

2. Learned counsel for the petitioner has submitted that the civil suit filed by the petitioner is pending for the plaintiff's evidence and has submitted that the primary reason for filing the present revision petition is that the observations made in the impugned order while dismissing the

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application filed by the petitioner under Order 39 Rule 1 and 2 CPC and also while dismissing the appeal filed by the petitioner in the said proceeding should not be taken into consideration at the time of final adjudication of the suit filed by the petitioner.

3. It is a matter of settled law that the observations made in the order while rejecting the application under Order 39 Rule 1 and 2 CPC or the appeal therefrom are only for the purpose of deciding the said application and the suit is to be decided by the trial Court independent of the said observations in accordance with the evidence on record.

4. Keeping in view the above-said facts and circumstances and the limited prayer made on behalf of the petitioner, the impugned orders are upheld and the present revision petition is disposed of with the observation that the trial Court would decide the suit independent of the observations made in the impugned orders after taking into consideration the evidence/documents/pleadings and arguments raised by both sides at the time of final adjudication of the matter.

April 29, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

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