



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

117

CR-4289-2025

Date of Decision: 17.07.2025

Amanpreet Kaur

....Petitioner

Versus

ICICI Bank and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Divanshu Jain, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

1. Prayer in the present petition filed under Article 227 of the Constitution of India is *inter alia* for setting aside the order dated 04.07.2025 (Annexure P-20) passed by the learned Civil Judge (Junior Division), SAS Nagar, on the prayer of the plaintiff-petitioner for ad interim injunction, whereby the trial Court deemed it proper to hear the opposite party before passing any order on the injunction application.

2. Learned counsel for the petitioner would submit that no reasons have been given while passing the impugned order and none can be inferred therefrom.

3. At this stage, Mr. D.K.Singhal, Advocate, on an advance copy of the petition having been served upon the respondent-Bank, causes appearance on behalf of respondent Nos.1 to 3 and submits that the apprehension of the petitioner-plaintiff is misconceived. He would further submit that various orders, in as many as five cases, have been passed for attachment before



judgment under the provision of Order 38 Rule 5 of the Code of Civil Procedure, 1908, (hereinafter referred to as 'CPC') pertaining to the auction proceeds. Besides the above, a request has also been received from the office of Public Prosecutor, Chandigarh to freeze the account of the petitioner in at least two case FIR's.

4. I have heard learned counsel for the parties and have also perused the paperbook with their able assistance.

5. It is settled law that it is within the discretion of the Court to grant or decline the relief of *ex parte* ad interim injunction but the said Court is required to pass a speaking order while exercising such discretion and record reasons, howsoever brief they may be, to arrive at its decision.

6. In the present case, the trial Court has not recorded any reason in the impugned order, the relevant portion whereof is extracted hereunder for reference, for declining the relief of *ex parte* ad interim injunction to the plaintiff.

“Heard. Document perused. However, I deem it proper to hear opposite party before passing any order on the injunction application. Accordingly, notice of the suit as well as injunction application be issued to the defendants for 29.07.2025 through RC on filing of requisite charges within 3 days. Dasti be issued as requested.”

7. Learned counsel for the petitioner has placed reliance upon the decision by Co-ordinate Benches passed in CR No.2527 of 2020 titled **Gagandeep Singh Arora vs. Richa Singh and others**, 2021 (2) RCR (Civil) 801; decision dated 15.07.2022 passed in CR No.2675 of 2022 titled **Anjani Dubey vs. Maninder Singh Cheema** and decision dated 25.01.2024 passed in



CR No.449 of 2024 titled ***Gagandeep Singh @ Gagandeep Thambar vs. Rajat Sharma.***

8. In ***Gagandeep Singh Arora's case*** (supra) a Co-ordinate Bench of this Court while dealing with 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 to why it deems it



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

9. Keeping in view the aforesaid and also the observations made by Co-ordinate Benches in *Gagandeep Singh Arora's case* (supra), *Anjani Dubey's case* (supra) and *Gagandeep Singh @ Gagandeep Thambar's case* (supra), the present petition deserves to be disposed of at this stage itself and accordingly, the impugned order dated 04.07.2025 (Annexure P-20) is set aside with a direction to the trial Court concerned to consider the prayer of the plaintiff for granting the relief of ad interim injunction afresh and to adjudicate the same while passing a speaking order containing reasons for the said decision. The respondents who have already entered appearance before the trial Court and have filed their written statement/reply, shall be afforded an opportunity of hearing before passing the order on interim relief. However, it is further clarified that nothing contained herein above shall be construed to be an expression of the opinion of this Court on the merits of the injunction application (supra) or the claim made in the civil suit.

10. The parties are directed to appear before the trial Court concerned on 29.07.2025 at 10:00 A.M. It is expected that the trial Court shall expeditiously deal with the matter, as aforesaid.

11. The petition is disposed of in the aforesaid terms.

July 17, 2025

Varinder

**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No