



CR-3204-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128)

CR-3204-2025 (O&M)

Date of decision: - 26.05.2025

Balinder Kaur and others

....Petitioners

Versus

Sidharth Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Jhanji, Senior Advocate, with
Mr. Rajat Khanna, Advocate, and
Mr. Arjun Singh, Advocate
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.04.2025 (Annexure P-6) passed by the Additional District Judge, Panchkula, vide which the civil misc. appeal i.e. CMA/5/2025 filed by the petitioners/defendants was disposed off. Challenge is also to the order dated 25.02.2025 (Annexure P-3) passed by the Additional Civil Judge (Senior Division), Panchkula vide which the trial Court granted an injunction to maintain status-quo with regard to the alienation of the suit properties till the decision of the application under Order 39 Rule 1 and 2 read with Section 151 CPC.

2. Learned senior counsel for the petitioners has submitted that



in the present case, the suit was filed by respondent No.1/plaintiff for declaration with respect to the properties situated at various places and it is the case of the petitioners that the properties which were in dispute were either in Chandigarh or in Delhi and with respect to the property in Panchkula, there was no dispute qua the petitioners and thus, the suit was not maintainable in Panchkula. It is further submitted that vide order dated 25.02.2025, the trial Court had granted ad-interim injunction directing the parties to the suit to maintain status quo with regard to the alienation of the suit properties till the final decision of injunction application on merits. It is submitted that certain observations were made in the said order which showed that with respect to the objections raised by the petitioners, a prima facie finding on merit has been given. It is further submitted that the said order was challenged in appeal and vide order dated 19.04.2025 (Annexure P-6) the said appeal had been dismissed although the observations had been made that the stay application i.e. application under Order 39 Rule 1 and 2 CPC, which was fixed on 21.04.2025, be disposed at the earliest and it was further stated that the observations made in the order dated 25.02.2025 with respect to jurisdiction would remain open.

3. Learned senior counsel for the petitioners has fairly submitted that in the said proceedings, the petitioners had moved an application under Order 7 Rule 11 CPC, in which the reply is yet to be filed by the respondent/plaintiff and the same is listed for 04.07.2025. It is argued that even the application under Order 39 Rule 1 and 2 CPC is now



listed for arguments on 04.07.2025 and the present petitioners had already filed the reply to the suit as well as to the application under Order 39 Rule 1 and 2 CPC.

4. Learned senior counsel for the petitioners has submitted that at this stage, the petitioners would be satisfied in case the trial Court is directed to decide the application under Order 39 Rule 1 and 2 CPC as expeditiously as possible and in a time bound manner. It is submitted that the petitioners would have no objection in case the said application under Order 39 Rule 1 and 2 CPC is decided prior to the application filed by the petitioners under Order 7 Rule 11 CPC for rejection of the plaint. It is further submitted that it be clarified that the final order in the application under Order 39 Rule 1 and 2 CPC be passed dehors the observations made in the impugned orders, more so, the order dated 25.02.2025.

5. Keeping in view the above-said facts and circumstances and the limited prayer made on behalf of the petitioners, the present revision petition is disposed of with the following observations/directions:-

- (i) It would be open to respondent No.1/plaintiff to file replication, if not already filed, within a period of one week from 04.07.2025.
- (ii) The trial Court is requested to decide the application under Order 39 Rule 1 and 2 CPC as expeditiously as possible, preferably, within a period of two months from 04.07.2025. As undertaken before this Court, counsel for the petitioners before the trial Court would be ready to argue the matter i.e.

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application under Order 39 Rule 1 and 2 CPC on 04.07.2025 or any other date which the trial Court directs. Counsel for the respondent/plaintiff is also requested to fully assist the trial Court in expeditious disposal of application under Order 39 Rule 1 and 2 CPC. The said application under Order 39 Rule 1 and 2 CPC would be decided prior to the application under Order 7 Rule 11 CPC, filed by the petitioners, as stated before this Court on behalf of the petitioners.

(iii) The application under Order 39 Rule 1 and 2 CPC would be decided by the trial Court after taking into consideration the pleadings of the parties and arguments of both the sides and dehors the observations made in the impugned order dated 25.02.2025, as has already clarified in the order dated 19.04.2025 and would be decided independently, in accordance with law.

6. It is made clear that this Court has not opined on the merits of the case and the application under Order 39 Rule 1 and 2 CPC would be considered independently.

May 26, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No