

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****CR-4389-2025 (O&M)
Date of decision: 17.07.2025****Akaljit Singh****...Petitioner****Vs.****Kamaljit Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sunny Namdev, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India read with Section 151 of the Civil Procedure Code has been filed by the petitioner/plaintiff for directing the Ld. Additional District Judge, Kapurthala for expeditiously deciding the Civil Appeal i.e. CMA/95/2023 (Annexure P-3) filed against the order dated 16.09.2023 (Annexure P-2); whereby the Application under Order 39 Rule 1 and 2 CPC read with Section 151 CPC has been dismissed; preferably within a period of 1 month as the respondents are unnecessarily delaying the proceedings just to harass and humiliate the petitioner in view of the present facts and circumstances.

2. Learned counsel for the petitioner submits that a direction be issued to the learned Additional District Judge, Kapurthala for expeditiously deciding the Civil Appeal No. 95 dated 06.10.2023 (Annexure P-3). It is submitted that the said appeal has been pending before the learned



Additional District Judge, Kapurthala for almost 2 years since 06.10.2023 and, therefore, a direction be issued to decide the same expeditiously preferably within one month in the interest of justice.

3. No other argument is raised on behalf of the petitioner/plaintiff.

4. I have heard Id. counsel and perused the case file in great detail.

5. Brief facts of the case are that the petitioner/plaintiff filed a suit for permanent and mandatory injunction. Defendant No.1 is the brother of the petitioner. The suit was accompanied with an application dated 06.09.2022 under Order 39 Rule 1 and 2 CPC read with Section 151 CPC (Annexure P-1). Reply and replication were filed by the parties respectively to the said application. Subsequently, vide order dated 16.09.2023 the said application (Annexure P-1) came to be rejected. The petitioner challenged the said order dated 16.09.2023 (Annexure P-2) before the learned Additional District Judge vide Civil Appeal filed on 06.10.2023 (Annexure P-3). It is now the prayer of the petitioner that the said civil appeal be decided expeditiously.

6. A perusal of (Annexure P-1) shows that the only prayer/grouse of the petitioner is that *".....the respondent no. 1/defendant No.1 is trying to collect the rent from the tenants/respondents no.2 to 4 of the four shops constructed at the ground floor of SCF no. 40, Central Town, Sultanpur Lodhi Road, Kapurthala, if he succeeded in their evil design then the applicant shall suffer an irreparable and injury."* Thus, the petitioner has only prayed



that the defendants No. 2 to 4 be restrained from paying rent to defendant No.1. However, it is not denied by learned counsel for the petitioner that the suit property is joint between the petitioner and defendant no.1. It is also not denied that the Defendant No.1 had pleaded that an oral partition was entered into between the parties; which is denied by the petitioner. As the said question of fact requires determination by leading of evidence, hence, I find no merit is made out to issue any such direction to decide the appeal expeditiously by the learned Additional District Judge, Kapurthala. The 3 prime ingredients "*prima facie case*", "*balance of convenience*" and "*irreparable loss and injury*" required for grant of ad interim injunction are not made out in the present case.

7. The present Civil Revision Petition is hereby **dismissed**.
8. Pending application, if any, stands disposed of.

17.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No