

(2013) 11 SHI CK 0012
In the High Court Of Himachal Pradesh
Case No : CMPMO No. 4216 of 2013

Narinder Kumar Mahajan

APPELLANT

Vs

Vipan Khanna

RESPONDENT

Date of Decision : 27-11-2013

Acts Referred:

Citation : (2013) 11 SHI CK 0012

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Advocate : Tarlok Chauhan, Vijay Chaudhary and Nimish Gupta, for the Appellant; N.S. Chandel, for the Respondent

Final Decision : Disposed Off

Judgement

Kuldeep Singh, J.—After hearing the learned counsel for the parties for some time, the learned counsel for the parties have jointly stated that they have no objection if the application under Order 39 Rules 1 and 2 CPC is finally decided by the trial Court inasmuch as the trial Court had only passed an interim order on 4.10.2013. They have no objection for setting aside the impugned order dated 18th November, 2013 passed by the learned District Judge. The learned counsel for the parties have also stated that they have no objection, if till the decision of application under Order 39 Rules 1 and 2 CPC finally by the trial Court, both the parties shall maintain status quo with respect to nature and possession of the suit property. In view of the stand taken by the learned counsel for the parties, the order dated 18th November, 2013 passed by the learned District Judge, Chamba in Application No. 5 of 2013 is set aside. The parties through their learned counsel are directed to appear before the trial Court on 5th December, 2013. The trial Court shall decide the application under Order 39 Rules 1 and 2 CPC finally and till the decision of the application under Order 39 Rules 1 and 2 CPC, both the parties shall maintain status quo with respect to nature and possession of the suit property. The trial Court shall decide the application within four weeks from 5th December, 2013, uninfluenced by any

observation made by this Court or by the lower Appellate Court. It is open to the petitioner/defendant as well as respondent/plaintiff to complete the pleadings within that time.

2. Petition is disposed of on above terms. The pending application and caveat are also disposed of.

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