

Ravinder Sharma vs. Barinder Kumar Sharma and Ors. CM-108-2026

Present: Sh. LK Singal Advocate counsel for applicant.

1. Heard on the application moved by counsel for applicant/plaintiff for taking the afore-said file and to pass ex parte stay order on the application under Order 39 Rule 1 & 2 CPC.

2. It is contended that the present suit is pending for 07.07.2026 for the service of defendant No.1 and at the time of filing the suit for declaration and permanent injunction plaintiff moved an application under order 39 Rule 1 and 2 against defendant No.2 not to take possession of the house. On 20.03.2026 service of defendant No. 2 was effected and Sh. SK Garg Advocate has appeared and on 28.04.2026 neither defendant No.2 appeared nor his counsel appeared consequently defendant No.2 was ordered to be proceeded ex parte and defendant No.2 inspite of service of suit has trying to dispose off the suit property by issuing notice of sale on 05.06.2026 and in case defendant No.2 succeeds in his evil motive to dispose off the suit property by conducting sale of property on 05.06.2026 then irreparable loss will be caused to the plaintiff which cannot be compensated in terms of money. Plaintiff has no intention to halt sale proceedings, however, he wants to protect his ½ share in the suit property. Hence, this application.

3. Heard. Record perused.

4. Perusal of judicial file reveals that plaintiff has filed present suit for declaration as well as permanent injunction on dated 08.12.2025 and

no ex-parte injunction was granted to the plaintiff on that very day. No new fact and circumstances have been brought on record by the plaintiff for grant of ex parte injunction. Thus, at this stage, no sufficient ground is made out for grant of ex parte ad interim injunction in favour of the plaintiff. The plaintiff has failed to establish a prima facie case warranting interference without notice to the remaining contesting parties. Moreover, the question regarding entitlement of the plaintiff over the alleged ½ share in the suit property requires adjudication after affording due opportunity to all concerned parties. The balance of convenience also does not lie in favour of granting ex parte relief at this stage.

5. Accordingly, the present application being devoid of merit stands dismissed. Nothing observed herein shall be construed as an expression on the merits of the main case.

Pronounced.

Dated 25.05.2026
Himanshu Gakhar
Stenographer-II

(Reeta Hans),
Addl. Civil Judge (Sr. Division),
Sangrur, UID PB-0425

Present: Sh. LK Singal Mann Advocate counsel for applicant.

An application moved by counsel for applicant/plaintiff for taking the afore-said file and to pass ex parte stay order on the application under Order 39 Rule 1 & 2 CPC. It be registered.

Arguments heard. Vide my separate detailed order of even date, above-said application stands dismissed. Present file is ordered to be attached with the main file.

Pronounced.

Dated 25.05.2026
Himanshu Gakhar
Stenographer-II

(Reeta Hans),
Addl. Civil Judge (Sr. Division),
Sangrur, UID PB-0425