



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

383

CR-975-2026

Date of Decision: 12.05.2026

Mukhtiar Singh

.... Petitioner

Versus

Dharshan Singh and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. BS Guliani, Advocate for the petitioner.

Mr. Vipin Mahajan, Senior Advocate with
Ms. Tejinder Kaur, Advocate for the respondents.**NIDHI GUPTA, J. (ORAL)**

1. The present petition has been filed for setting aside the impugned *ex-parte* orders dated 14.08.2025 (Annexures P-1 and P-2) passed by the learned Sikh Gurdwara Judicial Commission, Amritsar, in Case No. 07/2025 titled 'Darshan Singh and another vs. Mukhtiar Singh'; whereby the learned Commission, while holding that a *prima facie* case was made out against the petitioner, appointed a Receiver over Gurdwara Dehra Sahib Patshahi Chevin, Village Daroli Bhai, Tehsil and District Moga, Punjab and restrained the petitioner from working.

2. At the very outset, learned counsel for the petitioner submits that the orders dated 14.08.2025 (Annexure P-1 and P-2) have been passed without giving an opportunity of hearing to the petitioner as is required as per law. In support of his contentions, learned counsel for the petitioner relies upon a judgment of the Hon'ble Supreme Court in **Time City Infrastructure and Housing Limited Lucknow vs. The State of U.P. and others: Law Finder Doc Id # 2762861**; and order dated



11.02.2025 passed by a co-ordinate Bench of this Court in **CR-4407-2023**, titled as '**Jagtar Singh and another vs. Sikh Gurdwara Judicial Commission and another**', decided on 11.02.2025.

3. Head Note A and para Nos. 7 and 8 of the **Time City Infrastructure's case (supra)**, reads as follows:-

"A. Code of Civil Procedure, 1908 – Order 39, Rule 3 – Grant of ex parte injunctions – Court must record reasons for granting ex parte injunctions without notice to the opposite party – Compliance with the proviso to Order 39, Rule 3 is mandatory – Such compliance ensures that the extraordinary jurisdiction exercised by the Court does not prejudice the rights of the opposite party unjustly.

7. We are of the opinion that if the court is satisfied of noncompliance by the applicant with the provisions contained in the proviso then on being so satisfied the court which was persuaded to grant an ex parte ad interim injunction confiding in the applicant that having been shown indulgence by the court he would comply with the requirements of the proviso, it would simply vacate the ex parte order of injunction without expressing any opinion of the merits of the case leaving it open to the parties to have a hearing on the grant or otherwise on the order of injunction but bipartite only. The applicant would be told that by his conduct he has deprived the opponent of an opportunity of having an early or urgent hearing on merits and, therefore, the ex parte order of injunction cannot be allowed to operate any more.

8. However, having regard to the fact that now the hearing is to take place on 12-8-2025 i.e. tomorrow before the Trial Court and the Trial Court is to hear both the parties in so far as the prayer of the plaintiff for grant of appropriate injunction is concerned, we need not interfere with the impugned order. The Trial Court shall hear the plaintiff and defendants and decide the injunction application filed by the plaintiff on its own merits in accordance with law, without being influenced in any manner by any of the observations made by the High Court in its impugned order."

4. Learned Senior Counsel for the respondents is unable to refute or controvert the aforesaid submissions of learned counsel for the petitioner; and on instructions submits that he has 'no objection' in case, the impugned orders (Annexures P-1 and P-2) are set aside; and the matter



is remanded back to the Court concerned for passing the order afresh after affording an opportunity of hearing to both the parties.

5. In view of the afore-noted facts and submissions of learned counsel for the parties, the orders dated 14.08.2025 (Annexure P-1 and P-2) are **set aside** and the matter is remanded back to the Court concerned for deciding the matter afresh. It shall be open to the Sikh Gurdwara Judicial Commission, concerned to pass appropriate orders in accordance with law after granting opportunity of hearing to all the concerned parties.

6. The present revision petition stands **disposed of**, accordingly.

7. Pending application(s), if any, shall also stand disposed of.

12.05.2026

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No