



CR-4776-2026 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(129)

CR-4776-2026 (O&M).
Date of Decision:-03.06.2026.

Naval Kishore and another

.....Petitioners

Versus

Kanish Gupta and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Prateek Sodhi, Advocate for the petitioners.

ALOK JAIN, J. (Oral)

1. The present petition has been filed raising challenge to the order dated 18.04.2026 (Annexure P-5), passed in Civil Suit No.1289 of 2026, whereby the respondents by misusing the process of law obtained an *ex parte* interim stay, along with other prayer(s).

2. Learned counsel for the petitioners fairly submits that he has filed an appropriate application under Order 39 Rule 4 CPC but the respondents are playing havoc with the system and abusing it to the hilt by repeatedly taking adjournments or changing counsels or frivolously filing transfer applications and on 30.05.2026 when the learned trial Court called upon the respondents to argue against the application for vacation of stay, they intimated the Court that transfer application has been filed.

3. Learned counsel for the petitioners further submits that he would be satisfied at this stage if appropriate orders are passed granting liberty to the petitioners to move an appropriate application for preponement before the



CR-4776-2026 (O&M)

learned trial Court and the learned trial Court be directed to decide the pending application under Order 39 Rule 4 of CPC, expeditiously.

4. Considering the order being passed issuance of notice of motion would only procrastinate the proceedings.

5. In view of the fact that transfer application is also pending before the learned District and Sessions Judge, the same shall be decided within one week from today and the petitioners are at liberty to move an appropriate application for preponement of the main case, especially the application under Order 39 Rule 4 of CPC and the learned trial Court shall decide the same expeditiously and preferably within two weeks after affording an opportunity of hearing to the either side and shall not adjourn the matter on any flimsy grounds rather, it would be appreciated that in case on any date (within the time period of two weeks), the matter is adjourned, the same shall be passed on cogent reasons to be recorded in the order.

6. Disposed of in above terms.

7. It is made clear that this Court has not expressed any opinion on the merits of the order impugned and, in case, the application under Order 39 Rule 4 of CPC is decided against the petitioners and they challenge the same, they will be at liberty to raise all their contentions at an appropriate stage.

8. Pending miscellaneous application(s) shall stand disposed of.

(ALOK JAIN)
JUDGE

June 03, 2026.
S. Sethi

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No