

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4994 / 2017

Yogendra Kumar Sharma & Ors.

-----Petitioner

Versus

Arun Kumar Jain & Ors.

-----Respondent

For Petitioner(s) : Mr Sandeep Shah

JUSTICE DINESH MEHTA

Order

02/05/2017

By way of present writ petition, the petitioner has challenged order dated 21.04.2017 whereby learned Senior Civil Judge, Churu has refused to hear the application for grant of temporary injunction, inter alia, indicating that vide order dated 06.03.2017 passed in SBCWP No.12943/2016 between the same parties, further proceedings have been stayed.

Mr Sandeep Shah, learned counsel for the petitioners, invited attention of this Court towards above referred order dated 06.03.2017, which is reproduced herein below:

"Further proceedings in counter-claims filed in Civil Original Suit No.11/2012- Yogendra Kumar & others v. Arun Kumar & others pending before the Civil Judge (JD), Churu shall remain stayed."

Mr Shah contended that this Court had stayed further proceedings in counter-claim only. There was no stay on hearing the application for grant of temporary injunction. He showed concern that in absence of any order in the application for

temporary injunction, the defendants are raising construction, which would frustrate petitioner-plaintiffs' cause.

In view of the above, issue notices, returnable on 07th July 2017.

Issue notices of stay application also.

Meanwhile, the trial court may pass appropriate order on the application for Temporary Injunction filed by the petitioners in accordance with law, as early as possible.

(DINESH MEHTA)J.

mma



सत्यमेव जयते