



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(125)

CR-2438-2026 (O&amp;M)

Date of Decision:-16.03.2026

NAVEEN AGGARWAL

... Petitioner

Versus

VEENA MALHOTRA AND OTHERS

... Respondents

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**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. A.P. Kaushal, Advocate, and  
Ms. Pallavi Bahre, Advocate,  
for the petitioner.

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**VIRINDER AGGARWAL, J.** (Oral)

1. Petitioner filed this petition under Article 227 of the Constitution of India assailing the order dated 09.03.2026, vide which, the application under Section 151 of CPC for restoration of the status quo ante and the actual physical possession of the petitioner/plaintiff along with an application for appointment of Local Commissioner for inspecting the spot has been dismissed.
2. Briefly stated, petitioner filed a civil suit. *Ex parte* injunction order was issued in favour of petitioner as he claims himself to be a *bona fide* tenant over the disputed premises and respondents were restrained from interfering in the possession or dispossessing the petitioner from the premises in question and further from disconnecting the electricity and water connection except in due course of law. Respondents were served but they failed to put in appearance and were proceeded against *ex parte* vide order dated 19.02.2026.
3. Respondents along with 10-12 henchmen disconnected the electricity of the suit premises and put their lock on the suit property, which is in possession of the petitioner. Petitioner thereafter approached Commissioner of Police with application dated 24.02.2026 but of no avail. Respondents have violated the



injunction order dated 13.02.2026, so, a contempt petition under Order 39 Rule 2A of CPC has been filed against the respondents but respondents have not put in appearance in the contempt petition also. Due to illegal action of the respondents, petitioner has suffered huge financial losses as hotel of the petitioner has been illegally locked by the respondents. Petitioner moved an application under Section 151 of CPC and under Order 26 Rule 9 of CPC for putting the petitioner in possession and for appointment of Local Commissioner. Both these applications were dismissed vide impugned order dated 09.03.2026.

4. Aggrieved from this, the present civil revision petition has been filed assailing both the orders.

5. I have heard counsel for the petitioner and gone through the paper book carefully.

6. Since, only *ex-parte* injunction was granted in favour of the petitioner/plaintiff vide order dated 13.02.2026, respondents have not appeared and proceeded against *ex parte* on 19.02.2026. Now the proceedings under Order 39 Rule 2A of CPC are pending adjudication. Learned Trial Court has dismissed the applications on the grounds that petitioner has not substantiated the application with cogent proof pertaining to photographs of any sort and of complaint moved by him to the police authorities who alleged to have not listened to the plaintiff whereas counsel for the petitioner contended that the documents were already available in the Court file and the learned Civil Judge has not taken note of those documents while deciding the applications and further contended that without appointment of Local Commissioner to ascertain actual and factual position, it is difficult to reach to a plausible conclusion.

7. Considering all the facts and circumstances, I am of the considered opinion that interest of justice would be better met, in case, revision petition is



disposed of with direction to the learned trial Court to decide the application under Order 39 Rule 2A of CPC within a period of six months from the date next fixed before the learned trial Court and in case petitioner moves an application for appointment of Local Commissioner in order to ascertain the actual and factual position of the suit property as to ascertain the inventory of belongings lying in the suit property then that application be also considered as per the law.

7. Petition stands disposed of accordingly.

8. As a natural corollary, since the main case stands disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

16<sup>th</sup> March, 2026

*S. Pathania*

(VIRINDER AGGARWAL)

JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No