

Hon'ble Alok Singh, J.

Mr. Arvind Vashisht, Advocate for the petitioner.

Very short controversy raised in this present petition is as to whether application seeking ad interim relief should be disposed of prior in time or application under Order 7 Rule 11 CPC seeking rejection of the suit should be decided prior in time.

Learned counsel for the petitioner submits that vide order dated 07.04.2014 trial court directed that application seeking ad interim relief would be heard prior in time and application seeking rejection of the plaint would be heard after disposal of the ad interim relief application. However, order dated 07.04.2014 was recalled by vide order dated 22.04.2014 and trial court issued adverse direction that application for seeking rejection of the plaint would be heard first and ad interim relief application would be heard subsequently. Feeling aggrieved, petitioner has preferred this petition challenging the order dated 22.04.2014.

It goes without saying that while hearing the application seeking ad interim relief in a pending suit, the court must look into the defence of the respondents as to whether suit is maintainable or not in order to find out prima facie case. Therefore, instead of entering into the controversy as to whether ad interim relief application should be heard first or application seeking rejection of the plaint should be heard first, I direct the trial court that both the applications i.e. application for ad interim relief (paper no. 22 C) and application seeking rejection of the plaint (paper no. 69 C) shall be heard together and shall be disposed of together.

In view of the above, present petition as well as CLMA No. 4276 of 2014 stand disposed of without issuing notice to the respondents.

Let copy of this order be forwarded to the learned trial court forthwith.

(Alok Singh, J.)

30.04.2014

