

03.03.2026

Mr. Prikshit Sharma, Advocate, vice Mr. Vipin Pandit, Advocate, for the respondent

CMP No. 3461 of 2026

The present application has been filed by the appellant/applicant for the enforcement of the order as passed by this Court on 06.05.2025. On the said date, this Court had passed the following order”:

“Present: Mr. Rajnish K. Lal, Advocate, for the appellant.

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Mr. Vipin Pandit, Advocate, for the
respondent.

CMP No.14174 of 2024

No reply is intended to be filed on behalf of the non-applicant. Learned counsel for the parties jointly submit that both would be agreeable to a status quo being maintained qua nature and possession of the suit land.

In view of the aforesaid, parties are directed to maintain status quo qua nature and possession of the suit land during the pendency of the present appeal. Application stands disposed of.

RSA No.221 of 2024

List after four weeks.”

It is contended by the learned counsel for the applicant that despite passing of the order of status quo qua nature and possession of the suit land, the respondent-non applicant is still continuing with the construction on the suit land, therefore, he was constrained to file an application under Order 39 Rule 2(A) of CPC bearing CMP(M) No.2332 of

2025 before this Court. This Court in the said application on 29.12.2025 issued notices and learned counsel for the respondent had put in appearance on behalf of the respondent and time was granted to file reply on or before next date of hearing i.e 03.03.2026.

Today, when the matter was listed, again learned counsel for the applicant/appellant on instructions has stated that despite passing status quo order by this Court and knowing fully well that application under Order 39 Rule 2-A C.P.C is still pending before this Court for its adjudication, in complete defiance and in complete violation of Court orders as passed, the respondent is still continuing with the construction on the spot.

The present application has been filed under Section 151 C.P.C for the enforcement of the order dated 06.05.2025 with further prayer to provide police protection and restraining the respondent from carrying out the construction in violation and defiance of the Court orders.

Learned counsel for the respondent on instructions submits that his client has stopped the construction on the spot and as per him no construction activities are going on and allegations as levelled by the applicant in the application are incorrect.

Learned counsel for the applicants have taken this Court to the photographs, which have been appended with the

application under Order 39 Rule 2 A C.P.C which, prima-facie, demonstrates that despite passing of the Court order on 06.05.2025, the non-applicant is continuing with the construction. The applicants have also placed on record copies of the complaint as made to the police authorities, where by the averments as made in the present application have been reiterated. The applicant has also placed on record the copy of the application which was submitted by the present applicant to the Incharge Police Station and the Commissioner, M.C. Solan.

Before touching the merits of the case and before adjudicating whether there is any violation, disobedience of the Court order, this Court deems fit that the status quo order which has been passed by this Court is to be implemented in its letter and spirit. Therefore, S.H.O. Police Station, Solan is directed to ensure the implementation of the order dated 06.05.2025 in its letter and spirit on the spot. He is directed to take consequential steps for the enforcement of the said order and to file the current status report on or before 24.03.2025.

It is further ordered that the respondents shall not carry out any construction over the suit land. The S.H.O. Police Station, Solan to file the compliance affidavit and to remain present before this Court on 24.03.2026. In the meantime, Mr. Prikshit Sharma, Advocate to file reply to the aforesaid application.

(Romesh Verma)
Judge

March 03, 2026
(veena)