

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

COCP no.1158 of 2012(O&M)

Date of Decision : 25.08.2015

Balbir Singh

....Petitioner

Versus

Ram Kishan and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.N.D.Achint, Advocate for the petitioner

Mr. Sudhir Aggarwal, Advocate for the respondents no. 3 to 5

MAHESH GROVER, J.

The order dated 28.1.2010 mandated the parties to maintain status quo with regard to possession. The petitioner alleged violation of the orders of this Court passed in RSA no.2784 of 2009 and specifically averred in his petition that directions to maintain status quo with regard to possession have been flouted which is evident from the photographs appended to the petition.

Nowhere did the petitioner bring to the notice of the Court that finding regarding possession was not in his favour and was rather in favour of respondents no. 3 to 5 and the First Appellate Court while determining this issue noticed the evidence and admission of the petitioner himself.

If that be so then the status quo regarding possession would imply

that the respondents no.3 to 5 would continue to be in possession and thus there

would be no question of violation of the orders passed by this Court. The petitioner states that it is the construction which is resulting in a violation.

The order dated 28.1.2010 does not mandate that the parties are required to maintain the character of the property and if the respondents no. 3 to 5 are in possession and the carrying out of construction this would not invite any consequences of the kind that the petitioner has prayed for in the instant petition.

The Court also finds that the petitioner has deliberately suppressed the material facts by projecting to the Court disturbance of the possession whereas he himself was not in possession and the status quo order passed by this Court would protect the admitted possession by respondents no.3 to 5 without extending to construction which is being carried out. The petitioner has unnecessarily wasted the time of the Court and has forced the respondents to come to Courts for no fault of their. Hence, instant petition is dismissed with costs of Rs. 20,000/-. CJM Gurgaon shall ensure that the costs are recovered from the petitioner and deposited with the Haryana State Legal Services Authority within a period of two months from today.

August 25, 2015
rekha

(Mahesh Grover)
Judge