

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

**COCP No.1865 of 2015**

**Date of Decision :8.9.2015**

Ajit and others

....Petitioners

Versus

Saket Kumar

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr. Mahabir Singh Sindhu, Advocate  
for the petitioners.

.....

**MAHESH GROVER.J.**

The order of the Division Bench, the non-compliance of which the petitioners allege, mandated the Collector to consider the non-maintainability of a declaratory suit pending before it treating the objections raised in the application under Order 7 Rule 11 CPC and decide the same in accordance with law within a period of three months before proceeding to decide the suit on merits.

On 9.4.2015 the Collector has determined the objections of the petitioner by dismissing the same and making the following observations :-

“I have heard both the parties at length and after careful examination of the material available on the case file, I agree with the arguments of counsel for

the petitioner that evidences of the plaintiffs has been completed and evidences of respondents is remaining. Therefore, while dismissing the application of the respondent under Order 7 Rule 11 CPC, I ordered that petitioner will not interfere in the Johar and respondents will also not change the nature of the Johar in dispute and will maintain status quo till further order. Now the case be fixed for the evidence of the respondents on 23.04.2015.”

If that is so, then I am of the considered view that the mandate of the court has been complied with and the petitioners in the eventuality of their having any grievance against the order so passed by the respondent would have a remedy in law. It cannot be said that simply because the application of the petitioners and their objections have been overruled, it would imply a willful disobedience of the order of this Court.

Consequently the petition is dismissed leaving the petitioners to their remedies in law.

8.9.2015  
dss

(MAHESH GROVER)  
JUDGE