

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1506 of 2014
Date of Decision: 27.07.2015.**

Raj Kumar and others

.....Petitioners

Versus

Mahender and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Kulbhushan Sharma, Advocate
for the petitioners.

Mr. Keshav Partap Singh, Advocate
for the respondents.

SABINA, J.

Petitioners have filed this petition under Article 227 of Constitution of India challenging the order dated 27.1.2014 (Annexure P-1).

Learned counsel for the petitioners has submitted that petitioners had filed suit for redemption whereas respondents had filed suit for declaration. In the suit filed by the defendants, the Trial Court vide order dated 9.6.2012 had directed that the order passed by the said Court would have no bearing on the proceedings pending before the Collector regarding redemption of the suit land. Despite passing of the said order, the Collector vide the impugned order dated 27.1.2014, had adjourned the proceedings *sine die*.

Learned counsel for the respondents, on the other hand, has opposed the petition and has submitted that it was in the interest of justice to adjourn the redemption proceedings *sine die* till the suit involving the title dispute was decided.

Respondents have filed suit for declaration and permanent injunction. In the said suit, on 9.6.2012, following order was passed:-

“Memo of appearance on behalf of defendant no. 4 filed by Sh. Suresh Kumar, Advocate. Power of attorney on behalf of remaining defendants filed by Sh. Lalit Mohan, Advocate. Service completed. Now to come upon 28.7.2012 for filing reply to the said application and for written statement. In the meantime, the parties are directed to maintain status quo regarding alienation/possession of the suit land. However, it is made clear that any proceedings pending before Collector regarding redemption of the suit land shall have not affected by this order.”

Thus, as per the above order, the proceedings pending before the Collector regarding redemption of the suit land were liable to continue. Despite the order dated 9.6.2012, the Collector on an application moved by the respondents, adjourned the proceedings sine die vide the impugned order. Hence, the impugned order is liable to be set aside as it has been passed in contravention of the order passed by the Additional Civil Judge dated 9.6.2012.

Accordingly, this petition is allowed. Impugned order dated 27.1.2014 (Annexure P-1) is set aside.

**(SABINA)
JUDGE**

July 27, 2015
Gurpreet