

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2080 of 2015
Date of Decision: 24.3.2015.**

Kartar Singh (deceased) through LRs

.....Petitioners

Versus

Kewal Krishan Chhabra and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. J.S.Ahluwalia, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under under Article 227 of Constitution of India challenging the orders dated 17.9.2012 (Annexure P-1) and 3.12.2014 (Annexure P-2).

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

Kartar Singh (since deceased) had filed suit for permanent injunction against the respondents that they be restrained from damaging or demolishing or forcibly and illegally dispossessing him and from interfering in his peaceful possession qua the property in question. Local Commissioner was appointed by the Trial Court to inspect the spot. Thereafter the Trial Court directed the parties to maintain status quo with regard to actual possession existing at the spot as per the report of the Local Commissioner. Plaintiff filed an application under Order 39 Rule

2-A of the Code of Civil Procedure, 1908 ('CPC' for short) and the case of the plaintiff was that despite the passing of the interim order, a room and bathroom had been demolished by the respondents. The Trial Court dismissed the application moved by Kartar Singh (since deceased) under Order 39 Rule 2-A CPC on the ground that he had failed to give the date when the violation of the order was committed. It is only during his cross-examination AW-3 Bhupinder Singh had stated at one place that violation had been committed by the respondents in the month of June 2000 whereas later he said that it could have been caused in the month of June or July 2000. Further, it has been noticed by the Trial Court that the status quo order was in operation from 15.6.1996 to 23.7.1996. Therefore, in case the demolition was done by the respondents from 1.6.1996 to 14.6.1996 or from 24.7.1996 to 31.7.1996, they could not be penalized. Since the allegations levelled by the plaintiff were found to be vague, the Courts below rightly held that the application moved by the plaintiff was liable to be dismissed.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 24, 2015
Gurpreet