

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

CR No. 2140 of 2014 (O&M)

Date of decision: 30.07.2015

Nazar Singh and others

... Petitioners

versus

Amarjit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Prateek Pandit, Advocate for the petitioners.
Mr. Atul Jain, Advocate for respondent No.1.
Mr. Vivek K Thakur, Advocate for respondent No.2.

K.Kannan, J.

The petitioner is the defendant against whom an order of injunction has been granted from placing any further construction. The suit is filed by the respondent-plaintiff for recovery of possession on a plea that the defendant has trespassed into the property and put up construction unlawfully. The trial Court dismissed it holding tht the demarcation on the basis of which the plaintiff is complaining that the defendant had trespassed into the property was at the private initiative of the plaintiff himself and the defendant had not been a party to such a

transaction. The Appellate Court, however, has reversed the order and has granted the relief of injunction.

The counsel appearing on behalf of the petitioner would show to me the photograph purporting to bring evidence of existence of fully constructed house at the property and that under the garb of relief of injunction obtained, the plaintiff is attempting to disturb his possession. The counsel also says that the plaintiff who attempted to make out a case of trespass on the basis of demarcation is himself a party before this Court in yet another proceeding where he has disowned the demarcation made. The argument, therefore, is that the Appellate Court could not have acted on the basis of the demarcation which even the plaintiff is not prepared to support.

I do not think there is any need for modification of the Appellate Court's order but I only clarify that the order of the Appellate Court cannot be used by the plaintiff-respondent to cause any disturbance to the petitioner-defendant's possession of house. The injunction sought is only for further construction and it is only fair that the defendant is restrained from putting up any further construction, for preservation of *status quo* ought to be the norm. The *status quo* is, for the sake of clarity,

that the defendant-petitioner is in possession and he will not be disturbed in his exclusive possession by the plaintiff. The only protection the plaintiff will have is that the defendant shall not put up any additional construction and shall not alter the present state of the building. For any modification relating to the construction for repairs or maintenance the petitioner shall approach the trial Court for appropriate interim directions.

The order of the Court below is clarified to the above extent and the civil revision petition is disposed off on the above terms.

(K.KANNAN)
JUDGE

30.07.2015

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