

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2660 of 2014
Date of Decision: 10.07.2015.**

Shadi Ram

.....Petitioner

Versus

Sushil Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Manjeeet Singh, Advocate
for the petitioner.

Mr. Sudhanshu Makkar, Advocate
for respondents No. 1 to 4.

Mr. J.S.Cooner, Advocate
for respondents No. 5 to 10.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 28.3.2014 (Annexure P-6).

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

Petitioner has filed suit for permanent injunction restraining the defendants from obstructing the petitioner and other co-sharers from using the land in dispute.

On 15.3.2014 following order was passed by the Trial Court:-

“The defendant No. 1 to 4 have appeared in person and stated that they will not raise any

construction in the property in dispute and they will also not create any hindrance in the possession in dispute. Learned counsel Sh. Y.D.Sharma has appeared on the behalf of the defendant No. 5, 7, 8, 9, 10. The learned counsel Sh. Baljinder Singh has filed power of attorney on behalf of the defendant no. 6. Adjournment has been requested to file the written statement. The case is adjourned up to 28.3.2014 for filing the written statement by defendants. In the interest of justice, both the parties are directed to maintain the status quo regarding possession and construction over the property in dispute including the said passage till then.”

On 28.3.2014, following order was passed by the Trial Court:-

“The learned counsel Sh. Varinder Sharma has filed a power of attorney on behalf of the defendant No. 1 to 4. Written statement has not been filed by the defendant. Adjournment has been requested. The case is adjourned up to 25.4.2014 for filing the written statement. Interim order is extended till then. However, it is made clear that the parties may cultivate their land and may also raise fencing if they desires so. They have been directed to maintain the status quo only in regard to possession and construction over the suit property.”

Thus, vide the above orders, the Trial Court has directed the parties to maintain status quo with regard to possession and construction over the suit property. Vide order dated 28.3.2014,

the interim order dated 15.3.2014 was clarified to the extent that the parties could cultivate the land and could also raise fencing if so desired.

During the course of arguments, it has transpired that the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 ('CPC' for short) has not been finally disposed of.

Keeping in view the facts and circumstances of the present case, this petition is disposed of with a direction to the Trial Court to dispose of the application under Order 39 Rule 1 and 2 CPC, expeditiously, preferably on the date now fixed before the Trial Court.

**(SABINA)
JUDGE**

July 10, 2015
Gurpreet