

CR-3780-2014 (O&M)

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

**CR-3780-2014 (O&M).
Decided on: July 17, 2015.**

Jagdeep Singh alias Sonu

..... Petitioner(s)

Versus

M/s Akal Service Stations and another

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Arun Jain, Sr. Advocate,
Mr.Abhishek Dhull, Advocate,
for the petitioner.**

**Mr.Divjyot S. Sandhu, Advocate,
for the respondents.**

M.M.S. BEDI, J (ORAL)

After hearing counsel for the parties and going through the relevant record and the orders passed by the Courts below, it is apparent that the dispute is regarding control over M/s Akal Service Station an outlet of Indian Oil Corporation, which is situated on 2 kanals 15 marlas of land which was originally owned by Shakuntla.

Shakuntla had given the said land to Gurcharan Singh who had ultimately purchased the same from the owner and executed a lease deed in the year 2013 for 10 years. It is pertinent to mention that originally Shakuntla had executed a lease deed in favour of Avtar Singh for a period of 10 years from 1972 to 1982. It

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appears that Avtar Singh died in the year 1984 and for the period from 1982 to 2013, there was no lease deed. Since Gurcharan Singh had purchased the land from Shakuntla he executed a lease deed in the year 2013 for ten years in favour of Surjit Kaur wife of Avtar Singh who had died in the year 1984.

So far as Jagdeep Singh defendant- petitioner is concerned, he is the grandson of real brother of Gurcharan Singh who died on 20.1.2014. The dispute regarding the property arose after the death of Gurcharan Singh.

The claim of the defendant- appellant is that Gurcharan Singh was the actual owner managing the affairs of the petrol pump and the service centre being run under the name and style of M/s Akal Service Station. Since the Indian Oil Corporation used to give dealership to only unemployed person under the said scheme, Gurcharan Singh had obtained the licence to run the petrol pump in the name of Avtar Singh who happened to be the son of his sister Gurdev Kaur. Avtar Singh having died in 1984, the lease deed was executed by Gurcharan Singh in favour of his wife Surjit Kaur the plaintiff in the present case. The interim injunction application filed by Surjit Kaur was dismissed by the trial Court but the lower Appellate Court has allowed the application for interim injunction. Said order has been challenged by the defendant by way of present revision petition.

The dispute regarding possession of the property in

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dispute has taken a serious turn under the garb of orders passed by the lower Appellate Court in favour of Surjit Kaur. The possession was allegedly taken by locking the premises in dispute. In this context, an FIR was also registered by the defendant. Few photographs have been shown by counsel for the plaintiff-respondent indicating that the lock had been put on the premises which was being objected by defendant Jagdeep Singh.

Both the parties i.e., the plaintiffs and the defendant are claiming rights in the property in dispute through Gurcharan Singh who had died on 20.1.2014. The plaintiffs are successor-in-interest through the sister's side of Gurcharan Singh whereas the defendant is from the paternal side of Gurcharan Singh i.e., being the grandson of real brother of Gurcharan Singh. The matter regarding title, proprietorship and management of the property in dispute deserves to be decided expeditiously by requiring the parties to maintain status quo as it existed on the date of filing of the suit. Since much water has flown and the parties have in the garb of interim orders adopted violence which requires to be curtailed by final adjudication of the rights of the parties.

In the interest of justice, this petition is disposed of with a direction to the trial Court to conclude the trial within a period of four months w.e.f. 4.8.2015 which is stated to be the next date of hearing. In case need be, the proceedings may be taken up on day to day basis by giving fair opportunity to the parties to substantiate

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their rights, title and interest in the property in dispute as existed on the date of filing of the suit.

Meanwhile, the parties are directed to maintain status quo as existing today. In order to avoid parties to take law in their hands, it is observed that in case of any violence between the parties or their agents, it will be open to the police authorities to curb the same by taking necessary action in accordance with law irrespective of pendency of the civil suit.

A copy of the order be sent to the trial Court for necessary compliance and report.

July 17, 2015.
rka

(M.M.S. BEDI)
JUDGE