

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 4036 of 2013
Date of Decision: 10.3.2015.**

Savitri

.....Petitioner

Versus

Rameshwar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sushil Bhardwaj, Advocate
for the petitioner.

Mr. Manoj Bajaj, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the orders dated 15.6.2012 and 18.5.2013.

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

Respondent has filed suit for declaration that the oral sale deed set up by the petitioner be cancelled. Along with the suit, respondent moved an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908. The Trial Court vide order dated 15.6.2012 directed the parties to maintain status quo with regard to possession over the property in question. The said order was upheld in appeal by the Appellate Court vide order dated 18.5.2013. Hence, the present petition by the petitioner.

During the course of arguments, it has transpired that petitioner had earlier filed a suit for permanent injunction against the respondent with regard to property in question. Suit filed by the petitioner was dismissed by the Trial Court vide judgment dated 31.7.2008 but in appeal the suit filed by the petitioner, was decreed by the First Appellate Court vide judgment/decreed dated 17.4.2010. The said decree was upheld by this Court vide judgment/decreed dated 30.4.2010. Thereafter, respondent approached the Apex Court and following order was passed on 12.4.2012:-

“After having heard learned counsel for the petitioner and after having gone through the impugned order passed by the learned Single Judge of High Court in the Second Appeal filed by the petitioner, we find no ground to interfere against the same.

The special leave petition is accordingly dismissed.

However, petitioner would be at liberty to exhaust to the remedy in accordance with law.”

Thereafter, respondent filed the present suit seeking cancellation of oral sale deed. The Courts below have directed the parties to maintain status quo with regard to possession over the suit property. However, during the course of arguments, it has transpired that admittedly, respondent is in possession of the suit property.

In the facts and circumstances of the present case, the Courts below had rightly directed the parties to maintain status quo with regard to possession over the property in question during the pendency of the suit.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 10, 2015
Gurpreet