206-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5183 of 2011 (O&M)
Date of decision: July 21, 2015

Nirmal Singh

.....Petitioner

Versus

Budh Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate
for the petitioner.

Mr. Sarju Puri, Advocate
for respondent No.1.

SABINA, J

Petitioner has filed this petition challenging the orders dated 17.02.2010 and 02.05.2011, whereby, application filed by the plaintiff under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

At the time of issuance of notice of motion, following order was passed on 29.08.2011:-

> *"Defendant no.4/petitioner has filed the aforesaid three revision petitions assailing the orders passed by the courts below in the applications for temporary injunction under Order 39 Rules 1 and 2 CPC filed alongwith three identical suits for permanent injunction filed by Pawan Kumar, Budh Singh and Jasbir Kumar, who claim to be co-owners being the proprietors of the mushtarka malkan of*

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land comprised in khasra no.170/5, 170/6 and 170/3 respectively. It is contended that petitioner/defendant no.4 had earlier filed a civil suit against the present three plaintiffs for declaration to the effect that he alongwith the other co-defendants were owners in possession to the extent of their shares including land comprised in khasra no.170(0-13M) being co-sharers and proprietors in the suit land and with consequential relief of permanent injunction. In the said suit the present plaintiffs Pawan Kumar, Budh Singh and Jasbir Kumar were impleaded as defendant nos.20, 21 and 39. It is then contended that in the application under Order 39 Rules 1 and 2 CPC, the said defendant nos.20, 21 and 39 were directed to maintain status quo regarding the possession over khasra no.170/1 to 6 min (at page 58 of the paper book) vide order dated 5.8.2010 which has attained finality. It is thus contended that in respect of the same property there are two contradictory injunction orders passed by different courts.

Notice of motion for 17.11.2011.

In the meanwhile status quo be maintained.

A photocopy of this order be placed on the file of connected revision petitions."

This Court had directed the parties to maintain status quo with regard to possession, at the time of passing of the order dated 29.08.2011.

During the course of arguments, it has transpired that now, parties have concluded their evidence and the case is listed before the trial Court for rebuttal evidence, if any of the plaintiff and arguments for 05.08.2015. Since the

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evidence before the trial Court has already been concluded, it would be just and expedient to dispose of this petition by directing the parties to maintain status quo with regard to possession over the property in dispute during the pendency of the suit.

Accordingly, this petition is disposed of with a direction that the parties shall maintain status quo with regard to possession over the property in dispute during the pendency of the suit.

(SABINA)
JUDGE

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