

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CR 5543 of 2014

Date of decision:- 7.7.2015

Krishan Kumar @ Krishan Chander

Petitioner

vs.

Kastoori and ors

Respondent

Present: Mr. SS Duhan, Advocate for petitioner.
Mr. Tapan Kumar, Advocate for respondent No.2
Mr. Jaivir Yadav, Advocate for respondents 3 to 17

M.M.S.BEDI,J.

Status report has been received from the trial court to the effect that the suit is at initiate stage and certain defendants are yet to be served.

The plaintiff- petitioner is aggrieved by the orders passed by the courts below, in his suit for mandatory and permanent injunction on the basis of possession. The courts below have refused to grant interim injunction to the plaintiff- petitioner inter alia on the ground that the previous litigation pertaining to the same land has already been decided, wherein the claim of the plaintiff- petitioner regarding ownership of the property has been rejected holding that he is not in adverse possession of the property but the defendant- respondents have come into possession of the property on the basis of a compromise, effected before the Mediation and Conciliation Centre, Sonapat.

After hearing learned counsel for the parties and going through the facts and circumstances of the case, it transpires that a settlement had been arrived at between the parties, wherein the plaintiff has agreed to hand over the vacant possession of the property to the original owners.

Counsel for the petitioner submits that no compromise has been arrived at between the petitioner and the defendant- respondents but it was the statement of the wife of the petitioner, which is being used to prejudice the possessory rights of the plaintiff- petitioner.

After hearing counsel for the parties, I am of the opinion that the courts below have arrived at a conclusion that prima facie the petitioner does not have a strong case on merits and that on the basis of the undertaking given by him through his wife, he is not entitled to retain the possession of the property. The plaintiff- petitioner having earlier lost the litigation, there is no scope for interference in the order passed by the courts below.

Dismissed. However, the trial court is directed to decide the suit expeditiously.

July 7 ,2015
TSM

(M.M.S.BEDI)
JUDGE