

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

Civil Revision No.634 of 2015

Date of Decision: 28.01.2015

Gurinder Singh

..... Petitioner

Vs.

Paramjit Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

JASWANT SINGH, J. (ORAL)

The plaintiff is in revision aggrieved by the order dated 12.11.2014 (**P-12**), passed by learned Additional District Judge, Fast Track Court, Gurdaspur, whereby the miscellaneous appeal of the defendant-Paramjit Kaur against the order dated 22.11.2013 (**P-11**), passed by the learned Civil Judge (Jr. Divn.), Batala granting temporary injunction in favour of the petitioner/plaintiff, whereby defendants were restrained from interfering in the possession of the plaintiff, has been partly allowed and the parties were directed to maintain "Status Quo" regarding the possession of the suit property.

Having heard learned Counsel for the petitioner/plaintiff at length, this Court finds no merit in the present revision. It is not in dispute that the petitioner/plaintiff was a lessee of the suit property owned by the Punjab Wakf Board for the period prior to year 2010 as is apparent from the lease deed (**P-5**), when a fresh lease deed was executed by the Wakf Board

in favour of defendant No.1-Paramjit Kaur. It is also come on record that an agreement/affidavit had been executed by the plaintiff Gurinder Singh handing over possession to the subsequent lessee Paramjit Kaur, although the genuineness of the same is doubted by the plaintiff at this stage. No doubt, the petitioner/plaintiff has shown certain receipts regarding payment of lease money for the period post 2010, however, no real significance can be drawn from such fact since it is also been shown by the defendant that she has also regularly paid lease money by producing the receipts, as has been noticed by the learned lower Appellate Court in Para 15, which reads as under:-

“ On the other hand, learned counsel for the appellants-defendants has strongly argued that the learned trial Court has passed the interim order on the basis of these documents as placed on the file by the respondent-plaintiff and these receipts are upto 2004, but later on lease deed has been transferred in favour of the appellants-defendants by Punjab Wakf Board and due receipts upto 2013 have been placed on the file by the appellants-defendants to show their possession over Khasra No.198, 01 kanal 01 marlas, after year 2007. There is also an affidavit placed on the file executed by Shri Gurinder Singh in favour of Mrs. Paramjit Kaur regarding giving the possession. I have also gone through the receipts issued by Punjab Wakf Board vide order No.24-1037 of 915475 of 17.3.2010, receipt issued in favour of Paramjit Kaur, defendant-appellant dated 8.4.2010 of Rs.1,01,000/- as lease order. Similarly receipts have been issued in favour of appellants-defendants by Punjab Wakf Board from 1.8.2007 to 31.5.2010 of Rs.76,798. Similarly receipts from 1.8.2010

to 31.12.2010 of Rs.16500/- has been issued in favour of defendant No.1 by Punjab Wakf Board. Similarly, the latest receipt from 1.8.2010 to 31.12.2012 has been issued in favour of appellant-defendant Paramjit Kaur of Rs.12980/- and latest receipt from 1.1.2013 to 31.7.2013 of Rs.2420/- p.m. i.e. Rs.16940/- of khasra No.198, 01 kanal 04 marlas i.e. 725 square yards, has been issued in favour of Paramjit Kaur appellant-defendant. Similarly there is an order of Shri Arvinderpal Singh, Asstt. Collector 2nd Grade, and that khasra girdawri has been corrected in the name of appellant-defendant although that order subject to appeal before the learned appellate revenue Court. ”

In the opinion of this Court, the learned lower Appellate Court in the light of legal documents produced by both the sides has rightly directed the maintenance of status quo regarding possession between the parties.

In view of the above, the present petition stands dismissed.

January 28, 2015
Gagan

(JASWANT SINGH)
JUDGE