

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

**C.R.No.6963 of 2015
Date of decision: 16.10.2015**

Dr. Mahesh Kumar

... Petitioner

Vs.

The Punjab State Transmission Corporation Ltd. & others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner submits that after filing of the suit and passing of the ex parte status quo order, in the presence of respondent-defendants, talks of compromise began between the parties to the lis, but ultimately, it failed. As per the compromise, certain land was to be used for the purpose of electric poles but once such talks failed, plaintiff called upon to place on record certain documents issued in his favour by the respondent-Punjab State Transmission Corporation Limited and in the absence of aforesaid documents, status quo order, has been vacated. However, the application filed under Order 39 Rule 1 and 2 of Code of Civil Procedure is still pending. If impugned order is allowed to sustain, whole purpose of the case would be frustrated.

I have heard learned counsel for the petitioner and appraised the paper book.

Status quo order was passed on 30.07.2015 which reads thus:-

*“Present: Sh. B.S.Sodhi, Advocate, for the plaintiff.
Sh. M.P.S.Batra, Advocate and
Sh. Vinay Sood, Advocate,
for defendants No.1 to 4.
Sh. Satnam Singh, Advocate
for defendants No.5 to 8.
Sh. M.P.S.Batra, Advocate has appeared on
behalf of defendants No.1 to 4. Heard. Perusal of the
case file shows that defendants No.1 to 4 has appeared
in the present case on 07.04.2015 and have not filed
written statement as yet. Written statement of defendants
No.1 to 4 is not prepared as yet. More than three months
have lapsed. Though the defence of the defendants No.1
to 4 is liable to be struck off, but in the interest of justice
and in order to safeguard the rights of the parties; parties
are ordered to maintain status quo qua the suit property
till 4.8.2015 on which the defendants No.1 to 4 shall file
their written statements.”*

Thereafter, the matter was adjourned to file written statement. It is a categorical stand of the petitioner that talks of the compromise continued between the parties to lis but it did not reach to the logical end. Though there is no reasoning given by the Court

below in vacating the status quo order. It appears that the impugned order has been passed without adjudication of the application filed under Order 39 Rule 1 and 2 Code of Civil Procedure. At the best, the Court could not vacate the status quo order and ought to have decided the aforesaid application. Having not resorted to the provisions aforementioned, I am of the view that there has been a miscarriage of justice to the petitioner and the impugned order is not sustainable in the eyes of law, accordingly, same is hereby set aside. The trial Court is directed to decide the application of interim stay filed under Order 39 Rules 1 and 2 Code of Civil Procedure, stated to be pending, in accordance with law.

The revision petition is accordingly allowed.

In the meanwhile, status quo order shall remain continue till the application filed under Order 39 Rules 1 and 2 Code of Civil Procedure, is decided.

It is made clear that if the trial Court finds that petitioner-plaintiff, under the garb of such direction, is intentionally delaying the adjudication of the matter, the status quo order shall be vacated by passing a speaking order.

(AMIT RAWAL)
JUDGE

October 16, 2015
savita