

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.7087 of 2014

Date of decision: 08.09.2015

Purshotam Dass and others

.....Petitioners

versus

Ramesh Chand and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Munish Gupta, Advocate for the petitioners

Mr.G.S.Gandhi, Advocate for respondent No.1

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 6.9.2014, passed by learned Additional District Judge, Narnaul, which is the Tribunal under the Wakf Act, vide which, the parties were directed to maintain status quo regarding possession and existing state of affairs over the property in dispute on an application filed under Order 39 Rule 1 and 2 CPC.

I have heard learned counsel for the parties and have carefully perused the file.

The perusal of the impugned order and the pleadings show that according to the plaintiff, the suit property belongs to Wakf Board and was given on lease to his father Rambilas. He claims that he is adopted son of Rambilas, who has since expired. Defendants

on the other hand, claim that the plaintiff is not adopted son of Rambilas and that they are the legal heirs of Rambilas. The property in dispute is 56 square yards. According to the plaintiff, old boundary wall was demolished on 7.8.2013 and forcible possession was taken by the defendants. Therefore, he has sued for possession also. The perusal of the pleadings show that there are some triable issues, which inter-alia, includes as to whether the plaintiff is adopted son of Rambilas and is entitled to succeed him and also whether the defendants should succeed Rambilas. There is dispute about the identity of the property also. All these matters are to be decided after recording the evidence. In these circumstances, the order of the lower Court, directing the parties to maintain status quo regarding the possession and existing state of affairs cannot be called illegal or unreasonable.

Learned counsel for the petitioner has pointed out that after the operation of the order of lower Court was stayed, he has constructed some structure over the disputed property and he should be allowed to complete the same and reside therein. I am of the view that, if it is allowed, it will amount to change in the nature of the property, if the petitioner has done something during the pendency of the present revision, he is to be blamed himself for the same.

It being so, I do not find any illegality or infirmity in the impugned order.

The revision is dismissed.

08.09.2015

gk

**(Kuldip Singh)
Judge**