

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 8323 of 2014
Date of Decision: 20.3.2015.**

Prem Singh

.....Petitioner

Versus

Sukhpal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Abha Rathore, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 5.8.2014 (Annexure P-7) whereby application moved by the petitioner under Order 39 Rule 2A of the Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Prem Singh-petitioner had filed suit for declaration that he was owner in possession of the land in question. During the pendency of the suit, vide order dated 25.8.2001, parties were directed to maintain status quo with regard to possession over the property in question as well as with regard to mutation. The case of the petitioner was that despite the said order, respondents had taken forcible possession of the suit property on 16.9.2001. The

matter was reported to the police. The case of the defendants, on the other hand, was that they were already in possession of the suit property. Petitioner was not dispossessed from the suit property and had made a false report to the police.

During the course of argument, it has transpired that, although, the suit filed by the petitioner was decreed but, thereafter, petitioner had lost his case upto the Apex Court. The Trial Court had rightly dismissed the application moved by the petitioner under Order 39 Rule 2A CPC as the Court had directed the parties to maintain status quo with regard to possession. Both the sides had claimed that they were in possession of the property in question. It has also been noticed by the Trial Court that the petitioner had failed to prove on record any *khasra girdawri* to establish that he was in possession of the property in question. Petitioner had also failed to establish that he had raised any construction over the property in question. Moreover, the sale deed had been executed by defendants No. 1 to 3 in favour of defendant No. 4 before passing the status quo order by the Trial Court.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 20, 2015
Gurpreet