

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.8792 of 2014.
Decided on:-5.1.2015.

Ratti Ram.Petitioner.

Versus

Gordhan.Respondent.

CORAM: *HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.*

Present:- Mr. Mukesh Yadav, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J.

A suit instituted by Gordhan, plaintiff in the lower court and respondent herein, is pending adjudication before Civil Judge (Junior Division), Mahendergarh. Adjudication by the lower court vide order dated 10.1.2014 (Annexure P-5) as well as by the first appellate court vide order dated 16.7.2014 (Annexure P-6) regarding interim injunction vide application under Order XXXIX Rules 1 and 2 CPC has been made in favour of the respondent-plaintiff. Despite that, the defendant, petitioner herein, allegedly continued interfering in the possession of the respondent-plaintiff resulting in moving of an application by the respondent-plaintiff for police help for protection and implementation of the orders of the two courts below. This application was allowed by the lower court vide impugned order dated 15.12.2014 (Annexure P-7).

2. Alleged defiance of the petitioner-defendant is sought to be checked and the respondent-plaintiff has sought protection against his dispossession at the hands of the petitioner-defendant by way of police help. There is a concurrent finding of fact recorded against the petitioner-defendant that neither he has got prima-facie case nor balance of convenience is in his favour as he is not in possession of the suit land. In such a situation, when the petitioner-defendant is not making compliance with the orders in favour of the respondent-plaintiff, impugned order by the lower court giving police help to the respondent-plaintiff is in tune with the tenor and temperament of the litigation and the orders passed in favour of the respondent-plaintiff during proceedings of the same.

3. Orders dated 10.1.2014 (Annexure P-5) and 16.7.2014 (Annexure P-6) passed by the lower court as also the first appellate court respectively which have gone against the petitioner-defendant have not even been challenged in the present revision petition. These orders are being implemented vide the impugned order dated 15.12.2014 (Annexure P-7).

4. Sequelly, no ground to interfere with the impugned order is made out. Affirming the impugned order, this petition, being devoid of any merit, is dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

January 05, 2015
'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes