

Civil Revision No. 1228 of 2016(O&M)
Date of Decision: 18.2.2016

Ramesh Kumar

---Petitioner

versus

Ashok Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

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

Rekha Mittal, J.

Counsel for the petitioner has submitted that the petitioner has no grievance to express against order passed by the trial Court dismissing his application for providing police help filed under Section 151 Code of Civil Procedure but while disposing of the said application, the trial Court has made certain observations in regard to merits of the case qua possession of the property in dispute and the same may cause prejudice to the rights of the petitioner at the time of final disposal of the suit.

I have heard counsel for the petitioner and perused the records.

The petition is being disposed of without notice to the respondent in view of the nature of order to be passed.

It has been held in catena of judgments that the Courts while disposing of miscellaneous applications and passing interlocutory orders should refrain from making any observations in regard to merits of the case.

Under these circumstances, any observations made in the impugned order with regard to possession of the suit property, shall not cause prejudice to the petitioner at the time of final disposal of the suit.

Accordingly, the petition stands disposed of with the aforesaid observations.

(Rekha Mittal)
Judge

18.2.2016
PARAMJIT