

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

**CR No.2066 of 2016
Date of decision:18.03.2016**

Champa Devi and others ... Petitioners

Vs.

Pritam Singh and 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. Gurnam Singh, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioner-plaintiffs submits that against dismissal of the suit for declaration and permanent injunction, statutory appeal under Section 96 of the Code of Civil Procedure was filed along with interim application. He further submits that during the pendency of the suit, there was a status quo order vis-a-vis possession. This fact has been brought to the notice of the Lower Appellate Court but the Lower Appellate Court in the most casual and mechanical manner rejected the interim application on the ground that no ground is made out for staying of the operation of the impugned order dated 31.08.2015.

I have heard learned counsel for the petitioner-plaintiff

and appraised the paper book and of the view that order dated 31.08.2015 is not the impugned order but impugned judgment and decree. However, there is no adjudication vis-a-vis the same. Impugned order vis-a-vis declining of the interim stay is hereby set aside and matter is remitted back to the Lower Appellate Court to decide the application afresh vis-a-vis interim stay qua restraining, alienating and alleged interference in possession in most pragmatic and reasonable manner.

Accordingly, the impugned order is set aside and the revision petition is allowed. It is expected that the Lower Appellate Court shall decide the application after considering the aforementioned facts.

In the meantime, till the decision of the interim application, there shall a status quo order vis-a-vis possession as during the pendency of the suit as there was status quo order which is evident from the order dated 5.10.2013 (Annexure P-3).

(AMIT RAWAL)
JUDGE

March 18, 2016
savita