

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3884 of 2016

Date of Decision.04.08.2016

Raj Kumar son of Lekh Raj

.....Petitioner

Vs.

Satish Kumar

.....Respondent

Present: Mr.Virendra Rana, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers 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?

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff filed the application under Order 39 Rule 2A CPC for violation of the status quo order dated 07.01.2012 on the premise that both the plaintiff and defendant were directed to maintain the status quo but the defendant continued the construction over the property in dispute. The aforementioned application was dismissed by the trial Court, which order has been confirmed in appeal by the lower Appellate Court.

Mr. Virendra Rana, learned counsel for the petitioner submits that the order of the Court has to be regarded and respected.

I have heard learned counsel for the petitioner and appraised the paper book. Even otherwise, the factum remains that the petitioner has failed to prove the alleged violation despite his own self-serving statement. Duli Chand, Advocate, AW2 was appointed as local commissioner in the main case. He prepared the rough site plan of the spot Ex.P4 and submitted

status quo regarding the construction in the suit property was in the notice of the defendant, as the defendant was ordered to be served through *munadi*. Even otherwise at the time of passing of the status quo order, the plaintiff has not been able to prove status of the property as no photograph was attached. The plaintiff has failed to prove on record the position prior to the passing of status quo order on 07.01.2012.

In view of the foregoing reasons, I do not find any illegality and perversity in the orders passed by the Courts below, much less, the orders cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 04, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No