

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No. 414 of 2014 (O&M)
Date of decision: April 4, 2016

Subhash

...Petitioner

Versus

Sushil Kumar and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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?**

Present: Mr. Ashok Verma, Advocate,
for the petitioner.

None for the respondents.

K. KANNAN, J. (Oral)

1. In the suit filed by the plaintiff/petitioner for permanent injunction against the respondents, he has also sought for injunction at the interlocutory stage and to support his own claim to possession and title relying upon a decision rendered in the presence of one person Jagan Nath that he has a Will in his favour by the original owner Baljit Singh and that his possession could not be disturbed. It was a matter of record that the petitioner/plaintiff had claimed the estate of Baljit Singh as beneficiary under the Will, while Jagan Nath claimed that he was the adopted son of Baljit Singh's widow and that he had right to the property as a heir at law. In the suit between the petitioner and Jagan Nath, the trial court had

originally upheld the Will and granted a decree annulling earlier adjudication obtained by Jagan Nath as adopted son. In the appeal filed by Jagan Nath, it appears that the Will was found to be not true and the suit filed by the petitioner had been dismissed. In a second appeal filed by the petitioner, this Court has admitted the appeal and granted the relief of status quo against Jagan Nath. The contention is that the possession of the petitioner had been literally made out in the earlier proceeding and the relief of status quo must be understood as allowing for continuance of the petitioner's possession

2. Even apart from the documents relating to the previous proceedings, the petitioner was relying on revenue entries, electricity bill etc. to prove the possession. The relief of injunction which was granted by the trial court has been set aside by the appellate court also on the ground that the respondents were claiming as power of attorney agents of Jagan Nath and a fresh suit itself was not competent. If the respondents were claiming as power of attorney of Jagan Nath then the relief of status quo granted by this Court in the second appeal would still be a justification for continuance of such status quo and ought to have been a basis for retaining the order of the trial court. The order passed by the trial court is restored and the order impugned is erroneous and is set aside. The revision is allowed, granting the interim relief as prayed for by the petitioner.

April 4, 2016
prem

(K.KANNAN)
JUDGE