

Civil Revision No.5502 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.5502 of 2016

Date of Decision: 29.8.2016

**Vimal Kumar through her Power of Attorney holder Sh. Sumit Pal
Singh**

--- Petitioner

versus

Shivani Puri and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vishal Garg Narwana, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 19.3.2016 (Annexure P-2) whereby application filed by the petitioner seeking police protection, has been dismissed.

The precise grievance expressed by counsel for the petitioner is that the learned trial court while disposing of application for grant of police

help has recorded certain findings that the respondents/defendants are in possession of the suit property even when the application for grant of interim injunction is still pending consideration before the trial court. It is further submitted that the petition may be disposed of with a direction to the trial court to decide the application for interim injunction after hearing the parties, in accordance with law but without being influenced by any observations made in the impugned order.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

The learned trial court, after appearance by the respondents/defendants through Sh. Mukul Sharma, Advocate but before filing of written statement and reply to stay application on behalf of the defendants passed order dated 9.2.2016 and a relevant extract therefrom, reads as follows:-

“.....Now, the case is adjourned to 15.3.2016 for filing of written statement and reply to stay application on behalf of defendants. Heard on granting stay. After taking into consideration rival contentions of learned counsel for plaintiff and submissions made on behalf of

defendants and further perusal of plaint and documents attached with the case file, I am of the considered view that interest of justice would be served if defendants, their agents or assignees or person acting on their behalf are restrained from taking forcible possession over suit property and accordingly, **defendants, their agents or assignees or person acting on their behalf are restrained from taking forcible possession over suit property till further orders.**”

On a pointed query raised by the Court, counsel for the petitioner would inform that the respondents/defendants have not filed written statement and reply to stay application till date, raising any plea with regard to they being in possession of the suit property.

As the matter with regard to grant of interim injunction, after the parties complete the pleadings, is pending consideration of the trial court, without commenting upon merits of the controversy, the present petition stands disposed of with a direction to the trial court to decide the application for interim injunction after completion of pleadings by the parties, in accordance with law, without being influenced by any

observations made in the impugned order.

After disposal of the stay application, the petitioner may take recourse to appropriate proceedings, in accordance with law, for seeking police protection, if need be.

(Rekha Mittal)
Judge

29.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No