

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

CR No.6718 of 2016 (O&M)

Date of decision : 06.10.2016

Bhupinder Kaur

...Petitioner

Versus

Bank of Baroda and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Rahul Deswal, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel for the petitioner, after arguing for sometime seeks liberty of this Court to withdraw the present revision petition with liberty to move an application for amendment of the plaint seeking appropriate relief and shall thereafter seek interim protection.

In view of the aforementioned interim relief provided that findings given in the impugned order may not come into way.

I have heard learned counsel for the petitioner and appraised the paper book.

Present petition is arising out of the disposal of the application filed under Order 39 Rules 1 and 2 CPC filed in suit for permanent injunction against the bank and the police officer. Case of the plaintiff is that he has alleged to have purchased the land measuring 6 marlas by way of

affidavit from Bhagwanti wife of Mukh Ram on 09.05.2000. However, Gurbej Singh is alleged to have taken the loan from the bank in 2013 by mortgaging the vacant land from the LRs of Khushi Ram who has no title and interest.

Realising the fact that simplicitor suit for permanent injunction would not be maintainable, much less, any ad interim injunction, Mr. Deswal, sought the aforementioned liberty.

Keeping in view the aforementioned fact, revision petition is ordered to be dismissed as withdrawn with liberty aforementioned.

He submits that owing to the 2nd Saturday and the Dussehra Holidays, the possession of the petitioner-plaintiff be protected till he moves an application for amendment of the plaint and also for ad interim injunction.

I am in agreement with the aforementioned submission. The petitioner-plaintiff shall not be dispossessed for a period of seven days. Thereafter the stay granted by this Court shall be deemed to be vacated.

06.10.2016

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes

Whether reportable:-

No