

214.

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

Civil Revision No.7979 of 2013

Date of decision:04.03.2016

Hawa Singh

... Petitioner

versus

Sada Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. C.S. Singh, Advocate,
for Mr. G.S. Hooda, Advocate,
for the petitioner.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The revision is against an order declining to entertain a complaint given by the plaintiff that there had been disobedience with the interim order granted directing parties to maintain status quo in relation to the property with reference to his further construction. The plaintiff had a grievance that the defendants had actually put up construction after knowing the order of status quo granted. All the defendants contended that they did not know about the interim order. One of the defendants, DW3 admitted in the cross-examination that he was in the court at the time when the order

was passed. However, he explained he did not know the nature of order. The appellate court, therefore, found that there was nothing to say that the construction was made after the order was passed and that further there was also nothing to show that the defendants knew about the order. It is this order of the appellate court which is in challenge in the revision petition. I do not think there is anything wrong about the factual consideration of the want of knowledge of the order of status quo as well as lack of proof of the alleged fact of construction after status quo order was passed. I am informed that the plaintiff's suit was itself dismissed and there is an appeal pending before the appellate court. The plaintiff's right will abide by the final adjudication in suit and I find no cause for making any intervention of the lower court order for the present. Revision petition is dismissed.

2. The counsel refers me to the judgment in **Samee Khan Versus Bindu Khan-1998(7) SCC 59** to say that the cause of action would survive even if the suit were to be dismissed. While dismissing the revision petition, I do not use the dismissal of the suit as a ground but I have dismissed it on other grounds which are already enumerated. Consequently, the decision cited will not apply.

(K.KANNAN)
JUDGE

04.03.2016
sanjeev