

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

C.R. No. 2849 of 2016

Date of decision:- 06.12.2017

Sita Ram and ors.

...Petitioners

Versus

Gauri Shankar and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. S.K. Yadav, Advocate
for the petitioners.

Mr. Gulshan Nandwani, Advocate
for the respondents.

RITU BAHRI J. (Oral)

The present petition under Article 226/227 of the Constitution of India is for setting aside of order dated 15.01.2016 passed by learned Addl. District Judge, Rewari vide which the order dated 21.05.2014 passed by learned Civil Judge (Jr. Divn.) Rewari was set aside whereby application under Order 39 Rule 1 and 2 CPC was rejected by the trial Court.

A bare perusal of the impugned order shows that the plaintiff was alleging his exclusive possession over the suit land along proforma defendants. As per jamabandi for the year 1990-91, the suit land was shown in the cultivating possession of Parbhati and Matadin the predecessor in interest of the plaintiff and proforma defendant and the possession of the vendors of defendant Nos. 1 to 4 were nowhere recorded in the jamabandi.

On the other hand, defendant Nos. 1 to 4 were alleging to have purchased the land vide sale deed dated 19.03.2014 and 21.04.2014 but the possession of the vendors of defendant Nos. 1 to 4 on any specific numbers

is not recorded in the revenue record. Defendant Nos. 1 to 4 have admitted

that the mutation No. 690 in favour of the plaintiff. This mutation was never challenged and there is no counter claim of defendant Nos. 1 to 4 in the suit of the plaintiff.

Further the report of the Local Commissioner and the photographs were to be proved on the basis of evidence and were to be seen at the final stage of the trial. Thus, the parties were rightly directed to maintain status quo regarding the existing state of affairs of the suit land.

Learned counsel for the respondent has further informed the Court that entire evidence of the plaintiff as well as defendants have been concluded and the trial is at the argument stage.

In view of the above, the present petition is dismissed.

However, till the final decision, the parties will maintain status quo.

December 06, 2017
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No