

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

CR No. 3319 of 2017

Date of Decision: 25.07.2017

JASWINDER KAUR

-PETITIONER

VS

BHUPINDER SINGH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Alok Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Learned counsel for the petitioner contends that in a suit for permanent injunction, temporary injunction was granted to the plaintiff on 01.10.2013 and thereafter, the same was confirmed vide order dated 03.09.2014. When the repair of old boundary wall was sought to be undertaken by the plaintiff, defendant started interfering and as a result of that, application under Order 39 Rule 2-A CPC was filed. In view of continuous interference, the petitioner also filed an application before the trial Court for police help in order to render full help in proper implementation of the orders.

In the said application, Inspector Shaminder Singh of Police Station Tripuri was summoned. He appeared on

12.09.2016 and made the following statement:-

“I have not received any orders personally. In this case as the matter pertains to Revenue Department and it is a civil matter so I as Incharge of PS Tripuri have no locus standi to interfere directly in the matter abovesaid. If I would have received any order of the court regarding implementation of any direction given by court to the Revenue department/concerned authority then I would have done the needful for implementation of the said order.”

Perusal of the aforesaid statement shows that the Inspector never received any order personally. He stated that the matter was relating to Revenue Department and he had no locus standi to interfere directly in the matter. Had he received any order from the Court regarding implementation of any direction, he would have done the needful in pursuance thereof. He has not stated anything in respect of his intention to implement the order of police help, if any. It appears that the order dated 12.09.2016 passed by Civil Judge (Junior Division) has not been passed by giving proper attention to the statement made by the police officer. The trial Court simply disposed off the case by passing the order dated 12.09.2016, which in my

view is totally non-speaking.

In view of nature of order which this Court proposes to pass, there is no necessity of filing any reply to the petition as no order prejudicial to interest of any of the party is being passed.

It would be in the witness of things to direct the trial Court to pass fresh order on the application dated 24.08.2015 filed by the plaintiff under Section 151 CPC for providing police protection and for directing the police to render full help for due and proper implementation of orders dated 01.10.2013 and 03.09.2014.

In view of above, trial Court is directed to decide the application afresh in accordance with law. It would be appreciated if the needful is done within a period of two months from the date of receipt of certified copy of this order.

Disposed of.

25.07.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No