

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.4571 of 2016 (O&M)
Date of decision: March 07, 2017

Anchal Sood

...Petitioner

Versus

Vivek Kumar Sahu and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vaibhav Sehgal, Advocate for the petitioner.

Rajan Gupta, J. (oral)

In the present revision petition, petitioner challenged the order dated 01.10.2015, passed by Civil Judge (Jr. Division), Ludhiana and order dated 5.4.2016, whereby parties were directed to maintain status quo regarding possession of the suit land.

Learned counsel for the petitioner has assailed the orders. According to him, the courts below have failed to appreciate the controversy in right perspective. He submits that petitioner had purchased the suit property vide registered sale deed dated 29.10.2013 and the respondent No.1/plaintiff has no concern with the same. Respondent No.1 filed a false and frivolous civil suit for permanent injunction on the basis of alleged agreement between him and respondent No.2. He had no prima facie case or balance of convenience. Reliance has been placed on judgments reported as ***Gram Panchayat Mundliyan, Tehsil Tohana Vs. Bawria and others, 1996 (3) R.C.R. (Civil) 349*** and ***Rame Gowda (D) by***

LRs. Vs. Mr. Varadappa Naidu (D) by Lrs. and Anr., 2004 (1) R.C.R. (Civil) 519.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that respondent No.1/plaintiff filed a suit for permanent injunction against petitioner/defendants claiming possession of the suit property on the basis of agreement to sell dated 19.7.2013, executed between him and defendant No.1. Defendant No.2/petitioner appeared and filed written reply controverting the averments made in the plaint. He pleaded that he had purchased the land vide registered sale deed No.10427 dated 20.11.2014 and mutation No.9286 was also sanctioned in his favour and plaintiff has no concern with the same. Along with the suit, plaintiff also filed application U/O 39 Rules 1 & 2 read with Section 151 CPC for grant of interim injunction. Plea was resisted by the defendants. They contended that plaintiff had no locus-standi or cause of action to file the suit as he had no concern with the suit property. The trial court directed the parties to maintain status quo qua the suit land. Petitioner preferred appeal before the appellate court at Ludhiana, which was dismissed by Addl. District Judge, Ludhiana vide order dated 5.4.2016. Aggrieved, present revision has been preferred by the petitioner before this court.

I am of the considered view that no ground for interference in revisional jurisdiction is made out. Both the courts below have considered the plea of the petitioner. It is evident that both courts have come to prima facie conclusion over possession of the plaintiff over the

suit property on the basis of agreement to sell dated 19.07.2013. Thus, courts below have not committed any error in directing that status quo be maintained. In any case, proceedings in the civil suit are making headway by now. The judgment in *Gram Panchayat Mundliyan's case (supra)* and *Rame Gowda's case (supra)* are not relevant to the facts of the present case. The appeal is without any merit and is hereby dismissed.

Nothing said hereinabove shall be treated to be expression on merits of the case.

(RAJAN GUPTA)
JUDGE

March 07, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No