

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.5028 of 2015
Date of decision:23.1.2017**

Raghbir Singh

...Petitioner

Versus

Kulvir Kaur and others

...Respondents

CR No.8667 of 2015

Kulvir Kaur and others

...Petitioners

Versus

Raghbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms.Bhupinder Kaur, Advocate for the petitioner in
CR No.5028 of 2015 and for respondent
No.1 in CR No.8667 of 2015
Mr.S.S.Swaich, Advocate for the petitioners in
CR No.8667 of 2015 and for
respondents in CR No.5028 of 2015.

RAMESHWAR SINGH MALIK, J. (Oral)

These two identical civil revision petitions, under Article 227 of the Constitution of India, having been directed against the same impugned orders, are being disposed of vide this common order.

Petitioner in CR No.5028 of 2015 is the plaintiff. His application, under Order 39 Rule 1 and 2 of the Code of Civil Procedure, was partly allowed by the learned trial Court vide order dated 20.12.2013 and his misc. appeal against the said order was dismissed by the learned Additional District Judge vide order dated 5.5.2015.

Both the parties felt aggrieved against the above-said orders and approached this Court by way of their separate civil revision petition.

Heard learned counsel for the parties.

During the course of hearing, it has transpired that the learned trial Court in its order dated 20.12.2013 has recorded that the plaintiff has been able to make out a prima facie case in his favour qua the possession of Khasra No.1873/33, 1/1 (4-16) as well as house in question. It was also recorded that plaintiff shall suffer irreparable loss and injury, if he is ousted from his possession. The learned trial Court found the balance of convenience in favour of the plaintiff and accordingly interim injunction was granted in favour of the plaintiff, however, only qua the above-said khasra number and house in question and not qua the total suit property.

Learned counsel for the respondents-defendants in CR No.5028 of 2015 and for the petitioners in CR No.8667 of 2015 submits that they are in possession of some part of the suit property.

In view of the above-said serious dispute about the actual physical possession of any particular party on any specific part of the suit property, the impugned orders are modified to the extent that during the pendency of suit, both the parties shall maintain status quo qua the total suit property.

With the above-said observations made and directions issued, both these revision petition stand disposed of, however, with no order as to costs.

23.1.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No