

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

CR No.4863 of 2017

Date of decision: 27.07.2017

Paramjit Singh

...Petitioner

Versus

Karamjit Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amaninder Preet, Advocate,
for the petitioners.

Ritu Bahri, J.

Challenge in this petition is to the order dated 11.07.2017 (Annexure P-21) passed by the Civil Judge (Junior Division), Malerkotla, whereby application filed by plaintiff-petitioner for direction to the concerned SHO to comply with the status quo order dated 05.10.2016 (Annexure P-5), has been dismissed. Petitioner is also seeking setting aside of the order dated 11.07.2017 (Annexure P-22), whereby application filed by him for appointment of Local Commissioner has been dismissed.

Heard, counsel for the petitioner.

On perusal of the order dated 11.07.2017 (Annexure P-22), the facts not in dispute are that on 05.10.2016 (Annexure P-5), a status quo order with regard to existing position of the suit property was passed. Grievance of the petitioner is that a drain was being dug outside southern wall of his house.

a resolution for construction of open drain adjoining the wall of the house in dispute and hence, it has violated the order dated 05.10.2016 (Annexure P-5). Aggrieved by this act of the Gram Panchayat, plaintiff-petitioner has filed an application under Order 39 Rule 2-A CPC, which is now pending consideration for 09.08.2017.

Keeping in view the above circumstances, this petition is partly allowed and the impugned order dated 11.07.2017 (Annexure P-21) is set aside by giving direction to the trial Court to pass a fresh order on the application for appointment of Local Commissioner along with the application under Order 39 Rule 2-A CPC, in accordance with law.

Copy of this order be given to learned counsel for the petitioner under the signatures of the Court Secretary/Reader.

27.07.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No