

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) Civil Revision No.497 of 2017 (O&M)
Date of Order:25.07.2017

Zile Singh deceased through LRs and another

..Petitioners

Versus

Suresh and others

..Respondents

(2) Civil Revision No.498 of 2017 (O&M)

Pohkar and others

..Petitioners

Versus

Suresh and others

..Respondents

(3) Civil Revision No.499 of 2017 (O&M)

Pohkar and others

..Petitioners

Versus

Suresh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.S.Hooda,, Sr. Advocate, with
Mr. Vivek Gupta, Advocate,
for the petitioners.

Mr. A.K.Goyal, Advocate,
for the respondents.

ANIL KSHETARPAL, J.

Plaintiffs-petitioners have filed these three revision petitions
against order passed by the trial Court, dated 23.11.2016 (Annexure P-2),
confirmed in appeal by order dated 13.01.2017 (Annexure P-4).

In this case, defendants-respondents are owner/mortgagers of

the suit land as per revenue record. Defendants have filed an application for redemption of the suit land before the competent authority. The application for redemption was allowed by the Collector, the competent authority.

Plaintiffs had challenged the aforesaid order passed by the Collector by filing the suit.

At the time of hearing, learned counsel for the respondents-defendants, has made a statement that in accordance with the order passed by Collector, the possession of the suit land has been delivered. He further submits that the revision petition has been rendered infructuous.

Counsel for the petitioners also admit that possession has been taken. However, he submits that the defendants made a wrong statement before the first appellate court that possession has been delivered to them, on 22.11.2016.

In view of the fact that the possession of the land, in dispute has already been delivered to the defendants, in accordance with law, I do not find that any further order can be passed, protecting possession of the plaintiffs. The suit filed by the plaintiffs is pending. The impugned orders were passed while deciding application for temporary injunction. Therefore, the revision petitions filed by the plaintiff-petitioners has been rendered infructuous.

However, the learned trial Court shall try to expedite the trial of the suit and dispose of the suit as early as possible. Since, plaintiffs have been dispossessed during the pendency of the suit, therefore, if ultimately the plaintiffs are able to establish that they had some right, title or interest in the suit or the order passed by the Collector ordering redemption of mortgage and delivery of possession is found to be illegal and liable to be

set aside, the Court would be at liberty to mould a relief and order restoration of the possession of the land in accordance with law.

Revision petitions are disposed of accordingly.

July 25, 2017
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No