

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

CR-8324-2017

Date of decision: 02.12.2017

Mohit Kumar

...Petitioner

Versus

Rakesh Kumar and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Bali, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 06.10.2017 (Annexure P-11) passed by the Civil Judge (Junior Division), Ludhiana, whereby it has been ordered that ad-interim injunction granted by the trial Court on 22.03.2016 was granted only against defendant No.1 since defendant No.2 was not party to the present suit on the said date.

Plaintiff-petitioner has filed a suit for permanent injunction restraining the defendants from interfering in his possession and dispossessing him from a part of Ist Floor of Building No.129-130, situated at Sukhmani Enclave, Ludhiana, comprising in Khasra No.108, Khata No.1549/1938, as detailed in the head note of the plaint. As per plaintiff-petitioner, the said property has been leased out to him vide registered deed dated 26.08.2015 bearing Vasika No.5710, for a period of three years commencing from 07.09.2015 on a monthly rent of Rs.6000/-. Along with the suit, an application under Order 39 Rules 1 and 2 CPC was also filed seeking grant of ad-interim injunction in favour of plaintiff-petitioner. Vide order dated 22.03.2016 (Annexure P-3), trial Court directed the parties to

maintain status quo with regard to the said property till further orders. Thereafter, plaintiff-petitioner filed an application under Order 1 Rule 10 CPC for impleading Bank of Baroda (respondent No.2) as defendant No.2 in the suit. The said application was allowed vide order dated 12.08.2016 and defendant No.2 was impleaded in the suit. Thereafter, plaintiff-petitioner filed an application under Order 6 Rule 17 CPC for amendment of the plaint, as during the pendency of the suit, defendant No.1 has mortgaged the leased premises with the Bank as security for the Credit Facilities. The said application is pending consideration before the trial Court. The bank had initiated proceedings against owner/tenant under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short 'the SARFEASI Act'). Respondent No.2 has also moved an application under Order 7 Rule 11 CPC (Annexure P-10) for rejection of the plaint.

Grievance of the petitioner is that by seeking a clarification from the trial Court to the extent that the status quo order has been granted only against defendant No.1, defendant No.2, is taking steps to evict the petitioner.

At this stage, this petition is disposed of with the direction that till the final decision of application under Order 7 Rule 11 CPC, status quo with regard to possession of tenant/petitioner as per order dated 22.03.2016 (Annexure P-3), be maintained.

02.12.2017
ajp

(RITU BAHRI)
JUDGE

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