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

**Civil Revision No.1204 of 2018
Date of Decision:23.08.2018**

Ram Chander Sharma

.....Petitioner

Vs

Usha Rani and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramesh Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. Oral)

[1]. Petitioner has assailed the order dated 01.07.2017 passed by the Addl. District Judge, Fazilka and the order 05.01.2015 passed by the Civil Judge (Jr. Divn.) Abohar.

[2]. The aforesaid orders have arisen out of the proceedings under Order 39 Rule 2-A CPC. The application under Order 39 Rule 2-A CPC was dismissed by the trial Court and said order was upheld in appeal.

[3]. Both the Courts below have found that the petitioner has not led any evidence except PW-2 Sanjeev Gupta whose testimony was found to be deficient. No witness was examined

from the persons allegedly gathered at the spot at the time of incident. No other witness was brought on record in respect of alleged violation of order dated 29.03.2010 passed by the Court. The alleged violation was conspicuously missing in terms of time, place and manner of violation.

[4]. It was observed by the trial Court that the photographs adduced by the petitioner did not advance the case of the petitioner for want of connectivity of the photographs viz-a-viz. land in question from where plaintiff was allegedly dispossessed. Even the witness AW-3 Arvinder Kumar failed to establish link between the photographs of the house in dispute.

[5]. The main suit itself was dismissed by the trial Court. Even appeal filed against the said decree was also dismissed and the Regular Second Appeal is pending. The scope of proceedings under Order 39 Rule 2-A CPC cannot be enlarged after dismissal of the suit by the trial Court.

[6]. In view of above, no illegality found in the impugned orders passed by the Courts below. This revision petition is accordingly dismissed.

August 23, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No