

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1837 of 2017

Date of decision:09.02.2018

Rampat

... Petitioner

Vs.

Gram Panchayat village Neerpur alias Meerpur
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sumit Gupta, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The present revision petition is directed against the impugned order dated 28.05.2015 (Annexure P-1), whereby, the application filed by the petitioner under Order 39 Rule 2-A of Code of Civil Procedure, has been dismissed and appeal preferred has also been dismissed, vide order 02.12.2016 (Annexure P-3).

Mr. Sumit Gupta, learned counsel appearing on behalf of the petitioner-plaintiff submitted that the trial Court, vide order dated 05.09.2006 (Mark PA) directed the parties to maintain status quo qua possession till 13.10.2006. The aforesaid order was extended from time to time but never vacated. However, on 23.05.2010, respondents No.10 and 11 dumped the bricks on the suit property and in violation of the Court order, made rasta over the same. The aforementioned respondents were not party

in the suit but the status quo order would apply to them. In this regard, the complaint was also submitted to the office of Superintendent of Police and also met with the Deputy Commissioner but none acted thereon.

The said petition was contested by the respondents by stating that status quo order was not applicable to them and denied the factum of violation. Respondents No.10 and 11 denied the possession of the suit property and tractor but fact of the matter is that the Court below did not examine the contents of complaint dated 22.05.2010 (Mark B) and order dated 05.09.2006 (Mark PA) yet dismissed the application which clearly proved that there was violation of status quo order, thus, there is illegality and perversity in the order under challenge.

I have heard the learned counsel for the petitioner-plaintiff and appraised the paper book.

It was incumbent upon the petitioner to get the assistance of the Local Commissioner to prove the violation of the Court order. Even alleged complaint made to the Superintendent of Police has not been proved on record which was a self serving statement. For the purpose of violation of the order, consistent and coherent evidence is required to be led enabling the Court to form an opinion that there had been willful disobedience of the status quo order.

In view of the aforementioned, the order under challenge is perfectly legal and justified, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 09, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No