

**CR No.357 of 2017 (O&M)**

**{1}**

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

**CR No.357 of 2017 (O&M)**

**Date of decision:13.03.2018**

Jagmit Singh

... Petitioner

Vs.

Puran Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Tarunveer Vashist, Advocate  
for the petitioner.

**AMIT RAWAL J. (Oral)**

**C.M.No.902-CII-2017**

For the reasons stated in the application which is duly supported by an affidavit, delay of 15 days in re-filing the petition is condoned.

C.M. stands disposed of.

**CR No.357 of 2017 (O&M)**

The petitioner-plaintiff is aggrieved of the impugned orders dated 09.12.2014 and 04.08.2016, whereby, application under Order 39 Rule 2-A CPC for violation of the status quo order dated 27.02.2006, has been dismissed by the trial Court and upheld by the Lower Appellate Court.

Mr. Tarunveer Vashist, learned counsel appearing on behalf of the petitioner submitted that plaintiff instituted a civil suit bearing No.392

dated 26.05.2005 claiming that he was owner in possession of the suit land as coparcener. The trial Court on the basis of aforementioned pleading in the application under Order 39 Rule 2 CPC accompanied by the suit on 27.02.2006 granted the status quo order. However, the respondents intended to get the sale deed executed by appearing before the office of Sub Registrar on 01.06.2006. Though the status quo order was shown yet the sale deed was attested on 01.06.2006, therefore, there was violation. Both the Courts below have abdicated in dismissing the application, for there has not been regard and respect to the order dehor of the outcome of the suit. The trial Court dismissed the application on the premise that the petitioner had not placed on record the order dated 27.02.2006 or any subsequent order.

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

It would be apt to reproduce the order dated 27.02.2006 which reads thus:-

“No PW is present. Adjournment prayed for which is allowed. Case is adjourned to 27.04.2006 for evidence of plaintiff. In the meantime both the parties are directed to maintain status-quo regarding alienation of the suit property till 27.04.2006.”

Before this Court could decide the matter on merit, raised a query with regard to the outcome of the suit, it has been apprised that suit had been dismissed. In my view, the status quo order merged in the judgment and decree entailing into dismissal of suit. Nothing prevented the petitioner to place on record the status quo order to prove as to whether it

was pertaining to possession or alienation.

The findings of both the Courts below are perfectly legal and justified, much less, cannot be said to have been rendered without jurisdiction.

Accordingly, the revision petition stands dismissed.

March 13, 2018

savita

(AMIT RAWAL)

JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |