

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.5734 of 2015
Date of Decision.19.01.2018

Simranjit Singh

.....Petitioner

Vs

Parminder Kumar Mittal and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Mayank Mathur, Advocate
for the petitioner.

Mr. Vikas Mehsempuri, Advocate
for the respondents.

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AMIT RAWAL J.(ORAL)

On 03.09.2015, this Court had passed the following order:-

*“Learned counsel for the petitioner, inter alia, contends that the petitioner, being the co-owner, is out of possession of this property jointly owned with the respondent-defendants and since the respondent-defendants leased out the property to the brick kiln, which is changing the nature of the land by digging pits, the petitioner is entitled to injunction in view of the ratio decidendi culled out by the Division Bench of this Court in **Bachan Singh Vs. Swaran Singh 2003(3) R.C.R. (Civil) 70.***

Notice of motion for 4.12.2015.

In the meantime, the parties shall maintain status quo with regard to the suit property as it exists today.”

The revision petition has been preferred against the dismissal of the application moved under Order 39 Rule 1 and 2 CPC in the suit for

permanent injunction restraining the defendant No.3 and 4 leasing out the agricultural land to defendant No.1 and 2 or to their agents, servants and partners for the purposes of digging and excavating earth and soil from the same and further from changing the agricultural nature of the suit land or making any pits therein by lowering its level and further restraining the defendants from raising any sort of construction to the detriment of the rights of the plaintiff in the suit land as described in the head note of the plaint till the same is partitioned by metes and bounds by the competent court of law.

It has been brought to the knowledge of this Court that both the parties have led evidence and that the suit is fixed for final adjudication. Without commenting upon merit and demerit of the case, I deem it appropriate to dispose of the revision petition by upholding the orders under challenge but with a direction to the trial Court that there should not be any further adjournment, in essence, it shall hear the arguments and decide the suit in accordance with law.

The interim order granted by this Court shall be continued till the decision of the suit.

(AMIT RAWAL)
JUDGE

January 19, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No