

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

**CM No.14417-CII of 2017 &
CR No.7161 of 2010
Date of Decision:08.02.2018**

Bhupinder Singh

...Petitioner

Versus

Municipal Council, Bhiwani and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Aman Pal, Advocate for the petitioner.
Mr.Jagdish Manchanda, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Although only miscellaneous application has been listed, however, with the consent of learned counsel for the parties, the main case has been taken on board and heard.

The petitioner is in the revision petition against the order, dismissing application under Order 39 Rules 1 and 2 Code of Civil Procedure for grant of temporary injunction by the first appellate court, while reversing the order passed by the learned trial court. The first appellate court has found that the petitioner is only an agreement holder and thus has no right, title or interest in the property. This revision was admitted for regular hearing and the parties were directed to maintain status quo. Thereafter, this revision petition remained pending to await the decision of Five Judges Bench in CWP No.314 of 2001 titled as '**Suraj Bhan Vs. State of Haryana**' decided on 22.7.2016.

It is not disputed before this Court that the office which the petitioner had constructed was demolished before entertaining the revision petition by this Court.

Keeping in view the aforesaid facts, the present revision petition is disposed of with the following directions:-

(i) The Civil Court shall make sincere endeavour to decide the suit itself within a period of three months from the date a certified copy of the order is placed before it.

(ii) Since the office allegedly constructed has already been demolished, therefore, the property would be kept as it is. Municipal Council, Bhiwani as well as the petitioner shall not change the nature of the property during the pendency of the suit before the trial court.

Nothing observed herein shall prejudice the trial court while deciding the suit.

08.02.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No