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

CR-7867-2015

Date of decision : 30.04.2018

Ajit Singh

... Petitioner(s)

Versus

Chhotu Ram

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Satbir Gill, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the order dated 10.09.2015 passed by the trial Court, whereby ad-interim application under Order 39 Rules 1 and 2 of the Code of Civil Procedure in a suit for permanent injunction restraining the defendant from interfering in any manner with the actual and physical possession of the plaintiff over the suit land, has been dismissed as well as the order dated 28.10.2015, vide which, miscellaneous appeal preferred by the petitioner had also been dismissed.

Learned counsel appearing on behalf of the petitioner-plaintiff submitted that this Court vide order dated 26.11.2015 had ordered for status quo regarding possession over the suit property. The suit is slated for the plaintiff's evidence and no harm and prejudice would be caused to the respondent-defendant, in case the status quo order is passed in the similar

fashion by the trial Court.

Learned counsel for the respondent-defendant submitted that the petitioner-plaintiff has not been able to make out a case within the parameters of Order 39 Rules 1 & 2 CPC for the purpose of granting status quo order or restraint order. No *prima facie* material has been placed on record in support of the application.

I have heard learned counsel for the parties and appraised the paper book.

It would be apt to reproduce the order dated 26.11.2015, which reads as under:-

“Learned counsel for the petitioner states that petitioner obtained possession of Khasra No.14 (8-0) after lawful partition which was affirmed in appeal and revision. Now a revision petition is statedly pending before the Financial Commissioner in which no stay has been granted. Warrants of possession was issued by the Assistant Collector IInd Grade, Rania on 24.01.2014 and possession was handed over to petitioner on 27.01.2014. Execution of these proceedings have been doubted solely on the ground of some ex parte/incomplete inquiry conducted by Sub Divisional Magistrate (Civil), Rania, alleging the proceedings of delivery of possession to be hasty affair.

Notice of motion for 05.02.2016.

In the meanwhile, status quo regarding possession over the suit property as it exists today be maintained.

The status quo order dated 26.11.2015 is continued for the last 2 ½ years.

Keeping in view the aforementioned facts, without commenting upon the merits and demerits of the case, I deem it appropriate to dispose of the present revision petition by upholding the impugned order, under

challenge and issue a direction to the trial Court to expedite the disposal of the suit after affording 3-3 effective opportunities to the parties and shall decide the matter within a period of 10 months from the date of the receipt of the certified copy of this order.

30.04.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**