

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

Civil Revision No.7842 of 2017 (O&M)
Decided on:-January 24, 2018.

Jaswinder Kaur.

.....Petitioner.

Versus

Bhupinder Singh.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Atul Jain, Advocate
 for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present civil revision under Article 226/227 of the Constitution of India impugning the order dated 22.09.2017 passed by learned Civil Judge (Junior Division), Patiala, whereby prayer of the petitioner to provide her police protection, so as to raise construction of a boundary wall, has been declined.

Briefly stated, the petitioner-plaintiff had filed a suit for permanent injunction restraining the defendants, their partymen, agents, employees, relatives etc. not to interfere in the peaceful possession of the plaintiff over the plot in dispute, as shown in the plaint.

The civil Court had passed the order dated 03.09.2014 in the application filed by the plaintiff under Order XXXIX Rules 1 and 2 CPC and had restrained the defendants from interfering in possession of the plaintiff over the suit property and further from dispossessing the plaintiff forcibly and

illegally from the suit property till the final disposal of the suit. It is in the light of aforesaid order dated 03.09.2014 passed by the civil Court, the petitioner-plaintiff intended to raise construction of a boundary wall over the said property, but as the defendants did not allow the petitioner to raise construction of the wall, the petitioner filed an application under Section 151 CPC and prayed for police help for the implementation of the order dated 03.09.2014.

The application under Section 151 CPC filed by the petitioner seeking police help has been declined by the civil Court vide impugned order dated 22.09.2017 on the ground that for violation of the order dated 03.09.2014 passed in the application under Order XXXIX Rules 1 and 2 CPC, the petitioner has a remedy under Order XXXIX Rule 2-A CPC, which deals with the disobedience of an injunction, if granted.

I have heard learned counsel for the petitioner and perused the record.

While allowing the application under Order XXXIX Rules 1 and 2 CPC, vide order dated 03.09.2014, the civil Court had restrained the defendants from interfering in the possession of the petitioner-plaintiff over the suit property and from dispossessing the plaintiff forcibly and illegally. Therefore, when the civil Court has already granted a temporary injunction in favour of the petitioner-plaintiff, in case the defendant-respondents have violated the order dated 03.09.2014 passed by the civil Court, the petitioner-plaintiff has remedy under Order XXXIX Rule 2-A CPC for initiating contempt proceedings against the defendant-respondents, but a civil Court

cannot provide police help to the petitioner-plaintiff for implementation of an order granting temporary injunction during pendency of the suit.

Therefore, this Court finds that no interference is warranted in the impugned order dated 22.09.2017 passed by the civil Court.

However, considering the fact that as the suit is pending since 2013, the civil Court is directed to expedite the proceedings, provided petitioner-plaintiff cooperate with the Court and shall not cause any delay in disposal of the suit.

Disposed of.

January 24, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No