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

**CR No.8089 of 2018
Date of Decision: 30.11.2018**

Roop Singh and others

Petitioners

Versus

Nakshatar Giri and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr. V.D. Sharma, Advocate
for the caveators/respondents.

AVNEESH JHINGAN, J (Oral):

The present civil revision petition has been filed by the petitioners being aggrieved of the order dated 15.11.2018 passed by Additional District Judge, Jind [hereinafter referred to as 'trial Court'] allowing the appeal of the respondents and setting aside the order of the Court below granting *status-quo* of the suit property.

The brief facts of the case are that the respondents/plaintiffs [hereinafter referred to as 'respondents'] filed a suit for declaration. During the pendency of the suit, an application was moved to withdraw the said suit with liberty to file afresh. Counter-claim was filed by the petitioners. Suit of the respondents

was dismissed as withdrawn with liberty to file afresh, the counter-claim stood as it was.

In the counter claim, an application under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 [for brevity 'CPC'] was filed. After withdrawal of the earlier suit, a suit for possession was filed by the respondents. The application under Order XXXIX Rules 1 and 2 of CPC was decided by the trial Court vide order dated 23.05.2018. *Status quo* was ordered to be maintained. Aggrieved of the order, the respondents filed an appeal. In the appeal, the order granting *status quo* was set aside vide order dated 15.11.2018. Aggrieved of the order of the appellate Court, the present civil revision petition has been filed.

The respondents are on caveat. During the course of hearing of the petition, both the parties are *ad idem* that *status-quo* with regard to 340K-2M of the suit land, as it exists today, shall be maintained till the decision of the counter claim.

In view of the statements made by both the parties, the revision petition is disposed of accordingly. It would be desirable that the trial Court deals with the counter-claim as expeditiously as possible.

[AVNEESH JHINGAN]
JUDGE

November 30, 2018

pankaj baweja

1. Whether speaking/ reasoned	:	Yes/ No
2. Whether reportable	:	Yes/ No