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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No.1604 of 2018 (O&M)  
Date of Decision: 07.03.2019

SUNDER SINGH AND ORS .....Petitioners

Vs

MUNICIPAL CORPORATION FARIDABAD THRU ITS  
COMMISSIONER ....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

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

Mr. Prateek Mahajan, Advocate  
for the respondent.

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**RAJ MOHAN SINGH, J. (Oral)**

[1]. Petitioners have preferred this revision petition against the order dated 26.05.2017 passed by the Civil Judge (Jr. Divn.) Faridabad in the application under Order 39 Rules 1 and 2 CPC and order dated 20.02.2018 passed by the Addl. District Judge, Faridabad vide which the appeal against the order dated 26.05.2017 was dismissed.

[2]. Plaintiff filed a suit for permanent injunction claiming that they are in possession of the house situated in *abadi deh/lal dora* by detailing the dimensions of the plot. The plaintiffs alleged that the defendant has threatened to demolish the part

of the house for the purposes of extending existing 18 feet wide road to connect with 44 feet wide road towards eastern side of the plot in question.

[3]. During course of arguments, learned counsel for the petitioners does not dispute with regard to the existence of *Khasra* No.68/1 i.e. *gair mumkin rastra*, but his grievance is that the house of the petitioners is not situated in the aforesaid *khasra* number, rather by way of proposed widening and connecting the already existing passage to the existing 40 feet wide strip, the house already in existence is sought to be demolished by the respondent.

[4]. Both the Courts below have declined ad interim injunction under Order 39 Rules 1 and 2 CPC.

[5]. This Court vide order dated 19.07.2018 has passed order of status quo regarding nature of property, which is still in force. During pendency of the present revision, the plaintiff have already concluded their evidence. The case is fixed for defendants evidence.

[6]. In view of nature of controversy, particularly in view of the fact that no demarcation report has come forth on record depicting the true picture, the alleged survey got conducted by the respondents, finding Vijay Kumar, Balram, Vinod, Sukhvir, Ramvir, Vidya Devi and Sunder in an unauthorized possession

over the public path would be debatable as to whether, the petitioners were joined in the said process of survey or not?

[7]. At this stage, without commenting upon merits of the case, it would be just and expedient to order maintenance of *status quo* regarding nature of property till final decision of the suit. The trial Court shall make every endeavour to decide the suit at the earliest by giving short adjournments.

[8]. In view of aforesaid direction, this revision petition is disposed of.

March 07, 2019

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No