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

CR No. 3411 of 2018
Date of Decision: 11.03.2019

Shivraj Singh and others

-Petitioners

Vs

Harnek Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Aggarwal, Advocate,
for the petitioners.

Mr. Vikas Singh, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

During course of arguments, both the parties admit that the application under Order 39 Rules 1 and 2 CPC is still pending before the trial Court.

In a suit for permanent injunction filed by the plaintiff, exclusive possession was alleged by the plaintiff. The trial Court granted order of *status quo* regarding possession over the suit property.

Defendants-petitioners claimed their possession and filed an application for restraining the plaintiff from harvesting the crop standing over the suit property. They also prayed for appointment of receiver.

Prayer was accepted by the trial Court, however, the lower Appellate Court reversed the same on the basis of order of *status quo* earlier granted by the trial Court.

At this stage, both the parties have asserted their possessory rights over the property.

Evidently, the application under Order 39 Rules 1 and 2 CPC has not been finally decided by the trial Court.

At this stage, it would be just and proper to direct the trial Court to decide the pending application in accordance with law without being influenced by any statement of fact made by the parties hereinabove.

Any observation made by this Court shall not be construed to be an opinion on merits while deciding the pending application in accordance with law.

Disposed of.

11.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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