

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

**CR No.3828 of 2018(O&M)
Date of Decision: 05.03.2019**

Varinder Singh Sohi and others Petitioners

Versus

Paramjit Kaur and others Respondents

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

Present:Mr. HPS Sandhu, Advocate for
Ms. Avin Kaur Sandhu, Advocate
for the petitioners.

Mr. Ishan Gupta, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been preferred against the order dated 04.05.2018 passed by Additional District Judge, Malerkotla vide which application under Order 41 Rule 5 CPC filed by the petitioners for stay of operation of judgment and decree dated 19.03.2018 was disposed of.

[2]. Judgment and decree dated 19.03.2018 was passed by the trial Court in a suit filed by the plaintiffs for joint possession, declaration and prohibitory injunction. Against the judgment and

decree dated 19.03.2018 passed by the trial Court, petitioners have preferred first appeal before the Lower Appellate Court along with an application under Order 41 Rule 5 CPC. The application for interim injunction has been disposed of by the Lower Appellate Court and that is how, the present revision petition came to be filed.

[3]. An application for injunction was disposed of on the basis of statement made by the learned counsel for the decree holder that they will not alienate the suit property during pendency of the appeal.

[4]. The grievance of the petitioner was that the Court should have passed injunction in respect of possession as well. They apprehended interference by the decree holder under the garb of decree dated 19.03.2018 without filing any suit for partition.

[5]. This Court vide order dated 31.05.2018 issued notice of motion and also granted status quo regarding possession over the suit property.

[6]. After hearing learned counsel for the parties, I am of the view that the status quo regarding possession would suffice to meet ends of justice during pendency of the first appeal before the Lower Appellate Court. However, it is made clear that the present order shall not be construed to be an opinion on

merits of any pending case *inter se* between the parties.

[7]. Disposed of.

05.03.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Whether reportable

Yes/No

Yes/No