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

**Civil Revision No.5900 of 2017
Date of Decision: 03.04.2019**

CHANAN SINGH

.....Petitioner

Vs

JAGTAR SINGH

....Respondent

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

Present: Ms. Mona Goyal, Advocate for
Ms. Manmohan Kaur Dhaliwal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has challenged the order dated 01.04.2016 passed by the Civil Judge (Jr. Divn.) Moga and order dated 12.10.2016 passed by the District Judge, Moga dismissing the prayer in terms of Order 39 Rules 1 and 2 CPC.

[2]. Perusal of the record would show that the service qua respondent is complete. However, there is no representation on behalf of the respondent despite the fact that service was effected as per office endorsement dated 16.10.2018.

[3]. Brief facts are that a suit for permanent injunction was filed by the plaintiff/petitioner and the defendant has set up a counter claim. Suit and the counter claim have to be decided by

the trial Court together and in such eventuality, the Courts below ought to have granted order of *status quo* regarding possession as well as alienation of suit property during pendency of the suit. The factum of possession can only be determined by the trial Court with reference to the evidence to be led by the parties at the relevant stage. Nature of property has to be preserved during pendency of the suit.

[4]. Keeping in view the aforesaid factual position, I deem it appropriate to direct the parties to maintain *status quo* regarding possession and alienation of the suit property as it exists today.

[5]. With the aforesaid direction, this petition is disposed of.

April 03, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No