

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-5966-2017 (O&M)
Date of Decision:-21.11.2019.

Rachhpal Singh

.....Petitioner

Versus

Sadhu Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: None for the petitioner.

Mr. Gulzar Mohd. Advocate for the respondents.

SANJAY KUMAR, J. (Oral)

This civil revision, filed under Article 227 of the Constitution, arises out of order dated 02.08.2017 passed by the learned Civil Judge (Junior Division), Khanna, allowing the application filed by respondent Nos.1, 2 and 4 to 7 to lead additional evidence through a local commission and for ascertaining the actual and factual position at the spot. This application came to be filed in the proceeding initiated by the petitioner herein, the plaintiff in the Civil Suit bearing No.Indig/14/2015, under Order 39 Rule 2-A CPC.

Admittedly, the petitioner/plaintiff, who had filed the said suit for a permanent injunction, withdrew the same upon the statement made by the defendants therein that they would not interfere with his possession over the suit property. However, alleging that the defendants had built pillars on

the suit property and refused to remove the same, the petitioner/plaintiff initiated contempt proceedings under Order 39 Rule 2-A CPC. Therein, respondent Nos.1, 2 and 4 to 7 filed the subject application seeking to lead additional evidence. By order dated 02.08.2017, the trial Court allowed the same. Aggrieved thereby the petitioner-the plaintiff in the suit, approached this Court.

Notice of motion having been ordered on 18.09.2017, Mr. Gulzar Mohd., learned counsel, entered appearance for the respondents and filed his power of attorney. The same is taken on record. Learned counsel would submit that the civil revision no longer survives for consideration on merits as the application filed by the petitioner-plaintiff under Order 39 Rule 2-A CPC, bearing Civil Miscellaneous No.08/25.11.2014, was dismissed by the trial Court on 30.07.2018. A copy of the said order is placed on record.

In the light of the aforesaid development, this civil revision does not survive for independent consideration on merits at this stage. On that short ground, the civil revision is dismissed.

Pending civil miscellaneous application, if any, shall stand disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

November 21, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.