

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

CR No.7092 of 2018

Date of Decision : 13.03.2019

Sukhbir

.....Petitioner

Versus

Om Parkash and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. J.P. Sharma, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Seen Office report.

2. Contesting respondents No.1 and 2 have been served.

3. Ms. Parmeet Kaur, Advocate for Ms. Sangeeta Yadav, Advocate has put in appearance and filed her Power of Attorney on behalf of respondent No.2, today in Court; Be kept on record.

4. This Revision Petition is directed against the Order dated 5th September, 2018 (Annexure P-1) passed by the Ld. Civil Judge (Junior Division), Mahendargah, whereby the petitioner/defendant's Application dated 7th November, 2016 was rejected by the Ld. Court below in which he had prayed for vacating the *status quo* order on the grounds stated therein. His further grievance is that he had filed a separate application for vacating the said order on 3rd October, 2017 (Annexure P-5), which was however neither dealt with nor even referred to in the impugned order and as such still remains undisposed off.

5. Ld. Counsel for the petitioner at this juncture submits that he no longer challenges rejection of his earlier application in which vacation of the *status quo* order had been sought for, on the special ground that marriage of his son had to be got performed in the disputed premises. According to him those urgent reasons are no longer in existence. However, the second Application dated 3rd October, 2017 which was not even considered in the impugned order is based on altogether different grounds to the effect that he is facing a lot of inconvenience due to accumulation of rainy water in his premises after the level of adjoining PWD road has been raised by the concerned Department.

6. Ld. Counsel submits that he would not pursue the Revision Petition any further if the Ld. Trial Court is simply directed to pass a Speaking Order on his aforesaid Application dated 3rd October, 2017, expeditiously.

7. In view of the aforesaid submission, the present Revision Petition is dismissed as withdrawn but with a direction upon the Ld. Court below to hear the concerned parties on the pending Application dated 3rd October, 2017 (Annexure P-5) and pass a Speaking Order upon the same preferably within a month from the date of communication of this order.

March 13, 2019

Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No