

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

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**CR No. 2909 of 2019
Date of Decision : 21.5.2019**

Rakesh Kumar

.....Petitioner

v.

Sukhdev Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Salil Dev Singh Bali, Advocate, for the petitioner
Mr. Neeraj Madaan, Advocate, for the respondents

KULDIP SINGH, J. (Oral)

Vide order dated 11.9.2018, passed by the learned Civil Judge (Junior Division), Guruharsahai, following injunction order was passed :-

“Hence, I find merit in the application under Order 39 Rule 1 & 2 CPC and the same is hereby allowed. The defendants are hereby restrained from interfering into the possession of plaintiff over land measuring 6 kanals comprised of Rect No.36 killa No. 10/2 (6-0) situated at village Panje Ke Uttar, Tehsil Guruharsahai, District Ferozepur forcibly and illegally, except in due course of law, during the pendency of the present suit. However, this order of mine shall have no bearing on the merits of the case.”

The plaintiff then moved an application for police help as the respondents are threatening him and interfering into the possession of plaintiff over land and to harvest the crop. The learned Court vide order dated 20.4.2019 framed the issue in this regard and asked the parties to led evidence. It is said order which is under challenge before this Court.

I have heard learned counsel for the parties and perused the case

file.

Even before this Court, the respondents have claimed that they are in possession of the suit property. They further claimed that revenue record is in their favour and the possession of the plaintiff is un-authorised as per the revenue record. I am of the view that all the said documents have been considered while passing the injunction order on 11.9.2018. The said order is not under challenge before this Court. If the respondents feel that the said order is incorrect, they should have filed the appeal. However, once the order is passed, even if the petitioner is in un-authorised possession, that has to be enforced. Since the respondents are claiming the possession even before this Court the trial Court erred in framing the issue and delaying the enforcement of the order for indefinite period, whereas no evidence is required. As such, impugned order dated 20.4.2019 is set aside and the trial Court is directed to enforce the injunction order with police help.

Revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

21.5.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No