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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-3907-2019

Date of Decision: 03.07.2019

Raj Kumar

..... Petitioner

Versus

Gram Panchayat of Village Sirsi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. This revision is directed against the order dated 31.05.2019, passed by the Ld. Civil Judge (Junior Division), Karnal (Annexure P-8).
2. The Ld. Court below had declined the prayer of the petitioner/applicant for *ad interim stay* after observing *inter alia*:-

“Written statement, reply by defendants has not been filed. Adjournment sought for filing written statement, reply. Heard. However, learned counsel for plaintiff sought an ad interim stay. Learned counsel for defendants strongly opposed and he submitted that the eviction proceedings has been completed against plaintiff, hence, request of ad interim injunction is hereby declined. Now, to come up on 16.08.2019 for filing written statement, reply.”

3. Grievance of the petitioner is that a coordinate Court of the same district in entertaining a similar application in CS No.4146 of 2018 had granted protection to the plaintiff in the said suit in similar circumstances by observing:-

“Today the case was fixed for filing written statement/reply. Written statement/reply not filed. Adjournment sought. Allowed. Now to come up on 10.12.2018 for filing written statement/reply. Power of attorney be also filed on the date fixed.

Till then the defendants are restrained from interfering into the possession of the plaintiff over the suit property which is mentioned in para no.2 of the plaint otherwise than by adopting due course of law.”

4. On comparing both the orders reproduced above, it is seen that there was a specific submission raised on behalf of the defendants/Gram Panchayat to the effect that eviction proceedings against the plaintiff in the present case had been completed. No such submission had come-forth in the other case (CS-4146-2018), in which protection was granted to the concerned plaintiff by observing that his possession of the suit property could not be interfered with “otherwise than by adopting due course of law”. Undoubtedly, dispossession of a party in pursuance of any eviction order already passed against him cannot be considered as illegal dispossession obtained “otherwise than by adopting due course of law.” It nowhere transpires from the parallel order dated 20.12.2018 relied upon by the petitioner that any such eviction order had been passed against the plaintiff in CS-4146-2018.

5. Consequently, this Court finds no reason to interfere with the impugned order dated 31.05.2019 passed by the Ld. Trial Court in CS-1250-2019.

6. The present revision petition is, therefore, dismissed but with a direction to the Trial Court to decide the pending injunction application on the date already fixed i.e. 16.08.2019 or as soon as thereafter, as may be

convenient, and in case reply/written statement are still not filed from the side of defendants/respondents, interim protection of the plaintiff/petitioner may be considered for the time being.

03.07.2019

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No