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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3960 of 2019 (O&M)

Date of Decision: 01.07.2019

Ajeet Singh

..... Petitioner

Versus

Hira Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ajay Jain, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The grievance of the petitioner, who is plaintiff in the original Suit, is that no protection was granted to him by the Ld. Civil Judge (Junior Division), Rewari, in the impugned order passed, on 30.05.2019 (Annexure P-6), just on the eve of the Annual Vacation, when in fact the petitioner had moved applications prior to that of deciding the matter at an early date.

2. The Ld. Trial Court vide the impugned order *suo motu* appointed the Halqa Girdawar, Rewari as Local Commissioner to visit the spot and report about the actual position and existing state of affairs qua the Suit property.

3. The petitioner is not aggrieved with this part of the direction, but submits only that the nature and character of the Suit property is sought to be illegally changed by the respondents.

4. In view of the nature of order this Court intends to pass, there is no need to issue any notice upon the respondents, as, such a course would lead to avoidable delay. It is clear that in passing the impugned order, the Ld. Trial Court was not in a position to accept the contentions of both sides regarding the actual situation of the Suit property and, therefore, sought to satisfy itself about the same by appointing the Local Commissioner. The date fixed for awaiting the Commissioner's Report is within this week, i.e. on 06.07.2019.

5. In the circumstances, the matter is disposed off with a direction that the Ld. Trial Court, after considering the Commissioner's Report, may pass an appropriate/tentative order regarding the Suit property, if so warranted, and in case it is not in a position to finally decide the pending application for temporary injunction on that date itself.

6. In the meantime till disposal of the matter, *status quo* in respect of the Suit property shall be maintained by way of ensuring that no standing tree is cut from the existing locale.

7. A copy of this order be handed over to Ld. Counsel for the petitioner under the signature of Special Secretary of this Bench.

01.07.2019

Apurva

(SUDIP AHLUWALIA)
JUDGE

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