

CR No.5455-2019 (O&M)

110

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

**CR No.5455-2019 (O&M)
Date of Decision: 01.10.2019**

Kamlesh Kumari

..... Petitioner

Versus

Sub Divisional Officer(OP) DHBVN and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Vikas Bahl, Sr. Advocate assisted by
Ms. Priyanka Kansal, Advocate
for the respondent Nos. 1 and 2.

SUDIP AHLUWALIA J. (ORAL)

1. This revision is directed against the impugned order passed by the Ld. Additional District Judge, Faridabad on 03.08.2019 (Annexure P-16) vide which the earlier order dated 13.05.2019 passed by the learned Civil Judge (Junior Division) was set aside. It may be mentioned that the learned Trial Court in deciding an application Under Order 39 Rule 1 and 2 of the CPC filed on behalf of the petitioner-plaintiff had directed both the contesting parties to maintain status quo qua possession of the suit premises, as it was of the view that there was some dispute about the location of the land on which the construction alleged by both the parties to have been made by them or their respective predecessors-in-interest.

CR No.5455-2019 (O&M)

2. The learned lower Appellate Court thereafter set aside the aforesaid order by allowing the appeal preferred and observed *inter alia* “*balance of convenience also does not lie in her favour (plaintiff's) they were and no irreparable loss cost to her in case injunction is not granted in her favour.*”

3. Admittedly and there is existence of one liquor vend in the disputed premises, which has been ostensibly let out to its licensees, and the dispute also extends to title/landlordship status between the contesting parties. Undoubtedly the property, in question, exists and cannot be moved away physically from there. The dispute regarding its actual ownership or location can only be decided after taking evidence of both sides.

4. Learned counsel for the respondents on instructions also submits that this being the position, his client could not have any objection to restoration of the original orders passed by the learned Civil Judge (Junior Division), Faridabad, qua possession of the property alone.

5. In view of the aforesaid submission and considering the overall circumstances the revision is disposed off after setting aside the impugned order passed by the learned Additional District Judge, Faridabad and restoring the previous order of the learned Civil Judge (Junior Division), Faridabad, only to the extent of directing the parties to maintain status quo qua possession of the disputed property.

(SUDIP AHLUWALIA)
JUDGE

01.10.2019

rajeev(rvs)

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No