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

**Civil Revision No.5524 of 2019 (O&M)
Date of Decision: 25.11.2019**

GARM PANCHAYAT UJHANA

.....Petitioner

Vs

SATYAWAN

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Ajay Redhu, Advocate for
Mr. Subhash Rana, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Notice of motion was issued on 09.09.2019 for 22.10.2019. The turn of the case did not reach on 22.10.2019 and the case was adjourned for 12.12.2019.

[2]. Petitioner Gram Panchayat is aggrieved of the order of status quo granted by the trial Court vide order dated 23.10.2018 on the premise that annual lease of the land was granted to the respondent for the year 2018-19. Respondent had deposited an amount of Rs.5,05,000/- against total lease amount of Rs.7,06,000/- and he was in arrears of lease amount

to the extent of Rs.2,01,000/-.

[3]. Gram Panchayat issued notice to the respondent on 23.09.2018 for depositing the outstanding amount of Rs.2,01,000/- along with interest @ 21% per annum with the Gram Panchayat failing which the lease was to be cancelled.

[4]. The respondent challenged the aforesaid notice by way of declaratory suit. On the very first date of appearance of the defendant/petitioner, the trial Court granted *status quo*. Grievance of the petitioner is that under the garb of order of *status quo*, the lease has been automatically extended without payment of any lease amount and clearance of arrears of lease.

[5]. The scope of declaratory suit is only in respect of arrears of lease money of Rs.2,01,000/- which was sought to be recovered by the Panchayat by issuing notice dated 23.09.2018. The order of status quo would definitely enlarge the scope of suit itself.

[6]. By moving Civil. Misc. No.23073-CII of 2019, the petitioner sought preponement of date of hearing and also restraining the respondent from cultivating the suit land. The said application was allowed on 13.11.2019 and date of hearing was preponed to 21.11.2019. On 21.11.2019, Mr. Pulkit Dagar, Advocate appeared on behalf of Mr. Subhash Rana, Advocate and sought time. Owing to the difficulty of the arguing counsel

on behalf of the respondent, the case was adjourned to 22.11.2019. None appeared on behalf of the respondent on 22.11.2019 and that is how the case was adjourned for today.

[7]. Having heard learned counsel for the parties, I am of the view that order of '*status quo*' would definitely enlarge the scope of the suit in which recovery of lease money of Rs.2,01,000/- and notice of recovery were in issue. Respondent cannot be permitted to have automatic enlargement of lease under the garb of order of *status quo* particularly when the scope of suit is not on these lines.

[8]. For the reasons mentioned hereinabove, the order of *status quo* granted by the trial Court is hereby vacated. This revision petition is disposed of. The trial Court shall proceed to decide the suit on merits.

November 25, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No