

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110

RSA No.1502 of 2012 (O&M)

Date of decision: 11.02.2019

Puran Ram

..... Appellant

Versus

Roop Ram etc.

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. P.K. Ganga, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the judgment passed by the First Appellate Court directing the parties to maintain status quo till partition proceedings are finally decided.

In fact, the order was passed on the request of learned counsel for the defendant. Para 13 of the judgment of the First Appellate Court is extracted as under:-

“Shri J.D. Juneja, learned counsel for the respondents has stated that the revision petition before the Financial Commissioner and hence, subject to the final order of Financial Commissioner, Haryana, if any both the parties are directed to maintain status quo of the portions specified in Jamabandi (Parat Patwar) for the year 2006-2007 and the appeal No.68 of 2010 titled Ram Roop Vs. Puran Ram etc. is disposed of accordingly.”

Learned counsel for the appellant has submitted that the proceedings are still pending before the Financial Commissioner.

In the present suit, the plaintiff had only prayed for a decree for

permanent injunction restraining the defendants from causing interference into the ownership and exclusive possession of the plaintiff. Once the partition proceedings are pending and the judgment under challenge has been passed on the statement of learned counsel for the defendant-appellant, therefore, there is no ground to interfere.

However, keeping in view the fact that the matter is pending before the Financial Commissioner for the last 9 years, learned Financial Commissioner is requested to take up and decide the revision petition which is stated to have been fixed for 21.02.2019.

With these observations, the appeal is disposed of.

11.02.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No