

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

CR-7881-2019
Decided on : 09.12.2019

Harbhajan Singh

..... Petitioner

Versus

Dalbir Kaur & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sarbjit Singh Khaira, Advocate
for the petitioner.

Manjari Nehru Kaul, J.

Challenge in the instant petition is to the order dated 08.09.2014 (Annexure P-1) passed by the learned Civil Judge (Jr. Divn.) Gurdaspur and order dated 06.02.2017 (Annexure P-2) passed by Addl. District Judge, Gurdaspur.

Learned counsel for the petitioner contends that in the suit for permanent injunction, which is pending before the court below, a status quo order dated 20.07.2009 qua possession and nature of the suit land was passed on the statement made by the respondent. On 23/24.12.2009 at about 9.30 am, respondents after hatching a conspiracy with each other criminally trespassed into the suit land and put earth on the same with a tractor trolley in order to change the nature of the suit land. Hence, the respondents knowingly and willfully disobeyed the order of the court below. It is thus, urged that learned court below erred while passing the impugned order dated 08.09.2014 (Annexure P-1) by holding that there was no evidence at all on record to substantiate the allegations of willful disobedience.

Heard learned counsel for the petitioner and perused the impugned order.

I do not find any infirmity or illegality in the impugned order passed by the Court below. Firstly, the ownership of respondent No.1 qua the suit property is not disputed. Secondly, the allegations of the applicant/petitioner cannot be sustained as both he and his witness during their cross-examination admitted that respondent No.1 Dalbir Kaur was owner of the suit property and the entries in the revenue record also depicted her name which had been corrected by the competent revenue authority only after inspecting the spot. So much so, the appeals, which were preferred subsequent to the aforementioned order, also stood dismissed at the Commissioner's level. As per the settled law, revenue record carries rebuttable presumption of truth. Once the relevant entries in the revenue record qua the ownership and possession already stand in the name of respondent No.1 coupled with the fact that the main suit of the petitioner too has been dismissed by the court of Civil Judge, Jr. Div., Gurdaspur vide judgment dated 16.04.2013 wherein the possession of respondent No.1 has been proved then the question of disobedience and violation of the order dated 20.07.2009 qua status quo is bereft of any merit as there is no evidence to substantiate the allegations. Moreover, once the suit title stands decided vide judgment dated 16.04.2013, the application under Order 39 Rule 2-A CPC would not be maintainable as per the law down in *Kanwar Singh Saini vs. High Court of Delhi, 2011 (4) CCC 294 (SC)*.

Consequently, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

09.12.2019

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No