

Civil Revision No. 7004 of 2015 (O&M)
Date of Decision: 4.3.2020

Zila Parishad

---Petitioner

Vs.

Ramesh Kumar

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Swapan Shorey, Advocate
for the petitioner**

**Mr. Sunil Chadha, Senior Advocate with
Mr. Lakshay Bector, Advocate
for the respondent**

Rekha Mittal, J.

The present petition directs challenge against order dated 11.9.2015 passed by the Additional District Judge, Bathinda whereby appeal against order dated 29.7.2015 passed by the trial court dismissing application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (in short “the Code”) has been allowed and application has been allowed to the following effect:-

“.....the present appeal is hereby accepted and order dated 29.7.2015 passed by the Lower Court is set aside and the application under Order 39 Rule 1 and 2 CPC moved by the plaintiff-appellant is allowed and the respondent-defendant is restrained from illegally and forcibly dispossessing the plaintiff-appellant from the suit property i.e. Chhabra Marriage Palace fully described in the head note of the plaint/application till the final decision of the case.”

Counsel for the petitioner would state that the present petition may be disposed of but without prejudice to right of the petitioner to recover possession of demised premises, in accordance with law. He would further state that the petitioner has already initiated proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (in short “the Act”) but the same are not progressing because of the impugned order and pendency of petition before this court.

Counsel for the respondent would state that the petitioner is always at liberty to proceed in the matter, in accordance with law.

In view of the above, the petition stands disposed of. It is clarified that the petitioner shall not be entitle to dispossess the respondent forcibly and illegally except in due course of law. The authority, seized of the case under the Act, shall proceed with the matter, in accordance with law.

(Rekha Mittal)
Judge

4.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No