

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

CR-2009-2021(O&M)

Date of decision:-22.9.2021

Ram Diya

...Petitioner

Versus

Ranjit and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.P. Daaria, Advocate
for the petitioner.

H.S. MADAAN, J.

Briefly stated, the facts of the case are that plaintiff Ranjit son of Sh.Ram Sawarup, aged 90 years, resident of village Thana, Tehsil Pehowa, District Kurukshetra had brought a suit for mandatory injunction and permanent injunction against his son Ram Diya and Dharana, Surja, Bhaga, Desa, Pala and Khema sons of Ram Diya, all residents of that very village on the allegations that the suit property in the form of residential house was originally owned by Nar Singh, Lamberdar, who had allotted/gifted it to the plaintiff in the year 1960; that the plaintiff has been using such property being owner in possession since then, however, in the month of January, 2018 when the plaintiff was out of station, then the defendants occupied that property forcibly; the plaintiff had filed a civil suit against the defendants, which after contest was decreed by Civil Judge (Jr.Divn.), Kurukshetra vide judgment and decree dated

30.11.2018; the defendants had preferred an appeal against judgment and decree, which was dismissed by Additional District Judge, Kurukshetra on 11.9.2019; the defendants had preferred regular second appeal in the High Court, which was dismissed in limini; thereafter the plaintiff had filed an execution petition in which the warrants of possession were issued, the objections of the defendants were dismissed and the possession of the suit property was delivered to the plaintiff with the help of police on 14.11.2019; thereafter on 17.11.2019, the defendants again entered the house in suit forcibly, attacked the plaintiff and his family members with deadly weapons and illegally dispossessed them from the suit property. The plaintiff and his family members were injured and were hospitalized. Formal FIR was also registered in the matter. The plaintiff had requested the defendants to hand over the vacant possession of the suit property as per orders passed by the Court but to no effect. As such civil suit was filed.

In that suit, an application for ad interim mandatory injunction was moved on behalf of the plaintiff, which was allowed by the trial Court vide order dated 10.2.2021. It was further observed that the plaintiff shall be within his right to seek police help, in case the defendants refuses to hand-over/deliver vacant possession of the suit property.

Such order left the defendants aggrieved and they have filed the present petition under Article 227 of the Constitution of India seeking quashing of that order as well as judgment passed by Additional District Kurukshetra upholding that order passed by the trial Court.

I have heard learned counsel for the revisionist besides going through the record and I find that the petition is devoid of any merit.

The defendants having dispossessed the plaintiff from the suit property despite the possession of the said property having been got delivered from them to the plaintiff as per order of the Court, the conduct of the defendants in taking the law into their own hands and flouting the judgments passed by the Courts of competent jurisdiction, they have no right to seek protection of possession, which is illegal and unauthorized and they cannot seek legal intervention in the matter. Both the Courts have rightly directed that possession be got delivered to the plaintiff and in case it is required police help be provided in the matter for doing so.

The impugned orders passed by the Courts below are quite detailed, well reasoned based on proper appraisal and appreciation of the legal as well as factual position and the same do not suffer from any illegality and infirmity and can certainly be not termed as arbitrary or having been passed against settled legal principles, which might have called for interference by this Court while exercising revisional jurisdiction.

Thus, finding no merit in the civil revision petition, the same stands dismissed.

22.9.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No