

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

CR No.2650 of 2020

Date of decision : January 18, 2021

Jagdish Rai

..... Petitioner

Versus

Naresh Kumar and others

..... Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sube S. Kaushik, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Challenge in the present petition is to the order dated 19.11.2020 (Annexure P-21) passed by the Addl. District Judge, Jind, whereby the appeal filed against the order dated 24.08.2020 passed by the Civil Judge (Jr. Divn.), Jind, granting the status quo regarding possession has been set aside and the appeal of respondent No.1 (herein) has been accepted.

A bare perusal of the impugned order passed by the learned Addl. District Judge, Jind shows that the said order, although sets aside the order of status quo, however, in effect, only has made the terms of the status quo more clear by specifying that the plaintiff and the defendants happen to be only the co-sharers; and that if the plaintiff cannot materially alter the existing state of affairs or the suit property then even the defendants cannot take advantage of dismissal of the stay application moved by the plaintiff

and that they also would not be entitled to materially alter the state of affairs or the suit property; nor can they interfere in the joint possession of the plaintiff over the suit land.

In view of the above, it is clear that the order is restraining both the sides from materially altering the state of affairs or the suit land. The revenue record, prima facie, shows the plaintiff and the defendants to be co-sharers in the suit property. Accordingly, the order passed by the Lower Appellate Court is justified and is in consonance with law. Hence this Court does not find any illegality or impropriety in the order passed by the Lower Appellate court.

At this stage, learned counsel for the petitioner submits that he be permitted to withdraw the present petition with liberty to avail his alternate remedy against the defendants, if they violate the order passed by the Lower Appellate Court.

Dismissed as withdrawn with liberty aforesaid.

(RAJBIR SEHRAWAT)
JUDGE

January 18, 2021

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No