

CR No.3397 of 2021 (O&M)
Date of Decision: 20.12.2021

Chandan Pandey

.....Petitioner

Versus

Prem Prasad and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Anuj Garg, Advocate and
Mr. M.M. Pandey, Advocate,
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a revision petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 20.01.2020 passed by the Additional District Judge, Chandigarh, vide which the appeal filed by the petitioner was dismissed and the order dated 21.01.2019 passed by the trial Court was upheld, with a further prayer to set aside the order dated 21.01.2019 passed by the trial Court.

A perusal of the record shows that both the Courts below have appreciated the submissions made by the petitioner. The petitioner has not been able to substantiate his assertions made in the plaint even *prima facie* at this stage. Moreover, the contesting defendant has shown more than *prima facie* that he is the owner of the property in dispute. Unless the petitioner had shown some legal status, entitling him to retain possession under some law, even *prima facie*, no interim order could have been passed in favour of the petitioner. Hence, this Court does not find any illegality or irregularity in the orders passed by the Courts below.

Dismissed.

Needless to say that any observations made by any Court in the proceedings relating to the interim orders, shall not be taken as expression of opinion on the merits of the suit during the trial, as such.

(RAJBIR SEHRAWAT)
JUDGE

20.12.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No