

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 4065 of 2017 (O&M)

Date of Decision: 03.08.2022

Rajwinder Singh and Another

... Petitioner(s)

Versus

Shubham Sood

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. H.S.Dhindsa, Advocate
for the petitioner(s).

Mr. Saurabh Singla, Advocate
for Mr. Pardeep Bajaj, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The defendants, in a suit for permanent injunction, assail the interlocutory order passed by the learned trial Court on 17.05.2017, directing them to restore possession of the suit property to the plaintiff. The direction to restore the possession has been issued on the premise that the defendants have violated the order of injunction (*status quo*). The interim order to maintain *status quo*, passed by the Court in a pending suit, cannot be construed as final adjudication regarding the possession by the plaintiff. This is only an interlocutory order passed by the learned trial Court while deciding the suit. In the absence of concrete evidence to prove that the interim order passed by the Court has been willfully violated by the defendants, the Court was not required to pass an order directing the restoration of possession.

2. It has been brought to the notice of the Court that an application filed by the plaintiff (respondent herein) under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, alleging willful violation has already been dismissed not only by the learned trial Court, but by the learned First Appellate Court as well.

3. Keeping in view the aforesaid facts, the present revision petition is allowed and the order, under challenge, is set aside. The learned trial Court is directed to frame an issue and permit the parties to lead evidence. Thereafter, while adjudicating the suit, the Court will form an opinion as to whether the plaintiff was dispossessed despite the order of status quo. If the learned trial Court comes to the aforesaid conclusion, it shall be open for the Court to order restoration.

(Anil Kshetarpal)
Judge

August 03, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No