

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

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**CR-7237 of 2017 (O&M)
Date of decision: 24.08.2022**

Kulwant Singh

..Petitioner

Versus

Puneet Narang and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep singh Sirphikhi, Advocate
for the petitioner.

Mr. A.S.Manaise, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The present revision petition under Article 227 of the Constitution of India has been filed by the petitioner assailing the orders passed by the trial court as well as the First Appellate Court while dismissing an application under Order XXXIX Rule 2-A CPC . The petitioner filed an application complaining that the status quo qua construction as ordered by the interlocutory order dated 26.06.1999 has been wilfully violated by the defendants.

Both the Courts on appreciation of evidence have refused to exercise their powers under Rule 2-A of Order XXXIX CPC on the ground that the plaintiff has failed to prove willfull disobedience.

The learned counsel representing the petitioner submits that the plaintiff's suit as well as his first appeal has been dismissed, whereas the Regular Second Appeal is pending.

Keeping in view the aforesaid facts, no ground to interfere in the revision petition is made out.

Dismissed.

However, the observations made by the court while dismissing application under Order XXXIX Rule 2-A CPC shall not be construed as final expression on the merits of the case.

All the pending miscellaneous applications, if any, are also disposed of.

August 24, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*