

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

**CR No. 719 of 2022**

**Dinesh Kumar and others**

**....Petitioners**

**VS**

**Ravi Dutt Sharma and another**

**....Respondents**

**CR No. 720 of 2022**

**Dinesh Kumar and others**

**....Petitioners**

**VS**

**Attar Singh and another**

**....Respondents**

**Date of Decision: 04.03.2022**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Vishwajeet Singh, Advocate  
for the petitioners

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**SUDHIR MITTAL, J. (Oral)**

This judgment shall decide CR Nos. 719 and 720 of 2022.

The defendants have preferred this revision petition against order dated 05.10.2021 whereby directions have been issued to the SHO concerned to help the plaintiffs so that the defendants are unable to harvest the standing crop.

A suit for permanent injunction has been filed for restraining the defendants therein from interfering in the physical possession of the plaintiffs. Alongwith the suit, an application under Order 39 Rules 1 and 2 CPC was also filed. In the plaint it has been averred that defendant No. 1 was the owner of the suit land and he executed an agreement to sell dated 16.08.2005 in favour of the plaintiff. Since the agreement was not honored, a suit for specific performance

was filed which was decreed vide judgment and decree dated 01.02.2014. The said

order was executed and a registered sale deed dated 18.12.2015 came into being. Physical possession was handed over through Court.

The application under Order 39 Rules 1 and 2 CPC was allowed and *ad interim* temporary injunction was granted. The said order has been upheld in appeal and revision there against has also failed. Thereafter, an application under Section 151 CPC was filed for directions to the SHO concerned to take steps in accordance with the *ad interim injunction*. As stated earlier the application has been allowed.

Learned counsel for the petitioners has submitted that a declaratory suit has already been filed challenging the sale deed executed in favour of the plaintiffs and the same is pending consideration before the same Court. Thus, the impugned order is not sustainable in law. It has further been submitted that the order has been passed in violation of the principles of natural justice as the defendants were not given time to file their reply.

Neither of the contentions is acceptable. Once the order of *ad interim* injunction has become final, pendency of another declaratory suit would make no difference whatsoever. Filing of reply was also not necessary as passing of the order of *ad interim* temporary injunction is not in dispute. Thus, revision petition has no merit and is dismissed.

A photocopy of this order be placed on the files of other connected case.

**04.03.2022**  
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**( SUDHIR MITTAL )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No