

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.729 of 2022(O&M)
Date of decision:03.03.2022

Randeep Kaushal and others

...Petitioners

Versus

Manmeet Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Nitin Sharma, Advocate, for the petitioners.

ANIL KSHETARPAL, J (Oral)

The petitioners are defendants in a suit filed by the plaintiff for the grant of decree of declaration that the plaintiff is a co-owner of the House No.1310-P, Sector 37-B, Chandigarh, on the basis of a sale deed dated 12.04.2021 and for the grant of consequential relief of permanent injunction restraining the defendants from interfering in their possession.

The petitioners assail the correctness of the order dated 03.09.2021, passed by the trial court while directing the police to ensure compliance of the interim order passed on 13.07.2021.

The plaintiff is a co-owner in a residential property and in actual physical possession of the second floor of the House No.1310-P, Sector 37-B, Chandigarh.

While deciding an application under Order 39 Rule 1 & 2 CPC, the Court vide an order dated 13.07.2021, has permitted the plaintiff to put temporary water storage tank with water booster/motor pump in the front of the courtyard to supply water on the second floor. The defendants did not permit installation of the temporary water storage tank, therefore, on the

application of the plaintiff, the impugned order has been passed.

The learned counsel representing the petitioners contends that the Civil Court had no jurisdiction to order police help, as the plaintiff could have filed an application under Order 39 Rule 1 & 2 CPC.

This court has considered the submissions, however, find no merit therein.

The Civil Court has inherent powers to get its order implemented. In the facts of the case, the court has directed police help to ensure that a co-owner who lives on the second floor gets supply of water which is essential.

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

Dismissed.

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

March 03, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No