

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

Date of decision : 08.08.2022

1. CR-2637-2022

Malkeet Kumar **...Petitioner**
Vs.

Subhash Chander **...Respondent**

2. CR-2674-2022

Malkeet Kumar **...Petitioner**
Vs.

Subhash Chander and others **...Respondents**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate
for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed these separate revision petitions under Article 227 Constitution of India for setting aside the impugned order dated 31.05.2022 passed in Civil Suit No.1214/2019 by Civil Judge (Junior Division), Abohar, whereby application moved by defendant (respondent) for restraining the petitioner (plaintiff) for changing the structure of premises, was allowed.

Learned counsel for the petitioner (plaintiff) has argued that two suits were filed by plaintiff seeking separate possession of the suit property, and seeking injunction, respectively, and in both the suits, separate applications under Order XXXIX Rule 1 and 2 CPC were filed with a prayer for restraining the defendant No.1 from damaging and demolishing the existing structure of the suit building, and the applications in both the suits are pending.

Learned counsel has argued that the defendant had also filed separate applications under Section 151 CPC in both the suits with a prayer of restraining the plaintiffs from changing the structure of the premises existed on the date of filing of the suit and from raising any construction over the suit property. She has argued that the applications filed by the plaintiff are pending, but the applications filed on behalf of the defendant could not have been decided, therefore, the impugned orders are not sustainable. According to her, the interference is warranted by this Court.

After hearing learned counsel and considering the above background, this Court finds that the suit property in both the suits is common and dispute between the brothers relates to the share in the said property and prayers made by both of them in their respective applications relates to injunction against altering the structure of the suit property. The order passed by the trial Court directing the parties to maintain the status quo in no manner can be construed as an order against the plaintiff/petitioner, thus, the argument that since the application by the defendant was not moved under proper provisions, would not make the order erroneous.

Resultantly, no ground is made out for interference.

Both the petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

08.08.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No