

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

CR-3130-2022

Date of decision : 08.08.2022

Sat Parkash and another

...Petitioners

Vs.

Om Parkash and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Damodar Khurana, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have filed revision petition seeking modification of the order dated 25.05.2022 passed by Civil Judge (Junior Division), Rajpura, whereby defendants were allowed to harvest the wheat crop in the suit property and ordered to sell it further.

Learned counsel for the petitioners has argued that petitioners/plaintiffs have filed a suit for permanent injunction against the defendants as they were interfering in their peaceful possession of the suit property, and along with plaint application under Order XXXIX Rule 1 and 2 CPC was also filed for ad interim injunction. He has argued that both the parties are claiming themselves to be in cultivating possession of the suit property and the application filed by the petitioners (plaintiffs) under Order XXXIX Rule 1 and 2 CPC was disposed of on 25.11.2021 and the parties were directed to maintain status quo. At the same time, it was observed that the paddy crop standing in the suit land is perishable, therefore, it was ordered that the crop is to be sold by defendants (respondents) and the sale

proceeds of the crop were ordered to be duly accounted for, and to be kept in FDR in the name of the Court to be released upon conclusion of the trial. He submits that the plaintiffs were granted liberty to accompany respondents (defendants) for selling the paddy crop and the said order dated 25.11.2021 has attained finality, as it was never challenged. He prays that the impugned order be set aside.

After hearing learned counsel for the petitioner and considering the above background, this Court finds that through the impugned order, application filed by defendants/respondents for harvesting the standing wheat crop has been disposed of, but maintained the similar arrangement and left uncertainty regarding future cultivation of land, therefore, only on this limited extent, present revision has been filed.

In view of the above, the order under challenge is set aside and the case is remanded back before the Civil Judge (Junior Division), Rajpura, to decide the issue regarding cultivation of the land afresh after considering the same. The parties are directed to appear before the Court of Civil Judge (Junior Division), Rajpura on 25.08.2022.

Disposed of.

(MANOJ BAJAJ)
JUDGE

08.08.2022
vanita

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