

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

125

CR-3877-2022

Date of decision: 15.09.2022

Paramjit Singh

.....Petitioner

Versus

Harvinder Singh and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pranav Handa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is impugning the order dated 31.05.2022 (Annexure P-1) vide which the Court below dismissed his application dated 19.05.2022 (Annexure P-2) vide which he had sought issuance of directions to the police for implementation of an order dated 01.04.2022 whereby he had been granted interim injunction (Annexure P-5) in Civil Suit dated 31.03.2022 titled as 'Paramjit Singh Vs. Harvinder Singh and others'.

Learned counsel for the petitioner while drawing the attention of this Court to the impugned order (Annexure P-1) *inter alia* contends that learned Trial Court has dismissed the application moved by the petitioner for providing police help without delving into the merits of the case and has passed a cryptic order. He submits that the Trial Court failed to appreciate that the petitioner had been in possession of the property in question and on account of the obstruction created by the respondent/defendant, he has been unable to use the tubewell for sowing and irrigating his crops. Learned counsel further submits that despite the ex-parte stay having been granted in favour

of the petitioner vide order dated 01.04.2022, the defendants are causing continuous hindrance in the way of the petitioner to use the tubewell. Defendant No.3/respondent had even put a lock on the tubewell making it inaccessible to the petitioner.

I have heard learned counsel and perused the relevant material on record.

A perusal of the impugned order reveals that the Trial Court while passing the same was swayed by the fact that the application was filed after more than one and half months from the date of ex-parte interim injunction order. No doubt, police help as prayed for cannot be granted charitably. However, it would be appropriate for the Trial Court to appreciate the merits of the case to find out as to whether there is some substance in the averments of the petitioner or not.

As a sequel to the above, the instant revision petition is disposed of and the impugned order dated 31.05.2022 is set aside. The matter is remanded back to the Court concerned for deciding the application (Annexure P-2) afresh on merits in accordance with provisions of law.

15.09.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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