

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

**COCp-1242-2018 (O&M)
Date of decision: 14.02.2023**

Mange Ram

...Petitioner

Versus

Lal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gopal Sharma, Advocate
for the petitioner.

Mr. Ajay Jain, Advocate
for the respondents.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 21.10.2005, passed by this Court in RSA-3758-2005, filed by the petitioner challenging the judgment and decree passed by the lower appellate Court, vide which, it was directed that the parties will maintain *status quo* regarding property. The said order was made absolute on 20.03.2007.

Learned counsel for the petitioner submits that now the respondents have mortgaged a part of the property with the bank in order to raise a loan.

Brief facts of the case are that the father of the respondents, namely Amar Singh, had filed a civil suit bearing No. 12/1990 against the father of the petitioner for declaration to the effect that he is owner in possession of the suit property, as detailed in the said suit. The suit was dismissed by the trial Court on 22.10.1999, however, the appeal against the

said judgment was allowed. The petitioner and others thereafter filed the aforesaid appeal before this Court challenging the judgment passed by the lower appellate Court.

Learned counsel for the petitioner further submits that in the suit the claim set up by the plaintiff was only with regard to 1/3rd share of the property and mortgaged property is not more than 1/3rd share and the respondents have disturbed the *status quo* by creating a third party interest.

Learned counsel for the petitioner further submits that no prior permission was taken by the respondents from this Court for mortgaging the property.

A perusal of the judgments passed by the Courts below, as shown by learned counsel for the petitioner, would reflect that the dispute is with regard to 1/3th share i.e. approximately 22 Kanals of land and the *status quo* is to be interpreted in terms of the said land only.

Admittedly, the land, which belongs to petitioner, is not disturbed by way of any mortgage deed.

In view of the same, no case of any willful disobedience is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

14.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No