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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-2354-2018 (O&M)
Date of decision: 01.03.2023

Paramjit Singh

....Petitioner

Versus

Nirmala Devi and Ors

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Sumati Jund, Advocate
for the petitioner.

Mr. Manoj Pundir, Advocate
for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 23.07.2016 vide which in the RSA filed by Paramjit Singh, status quo regarding the alienation and possession of the suit property was to be maintained.

Brief facts of the case are that the petitioner is plaintiff No.2 in the civil suit filed by Baldev Singh. The prayer in the suit was that Baldev Ram, plaintiff No.1 is owner in possession of 4/5th share of the disputed property and mutation entry in favour of defendants are wrong and plaintiff No.2 be declared owner in possession of the same and defendants be restrained from alienating beyond 1/5th share.

The trial Court vide its judgment dated 13.11.2013 decreed the suit. In an appeal filed by Nirmala Devi and others i.e. the defendants against the petitioner/plaintiff No.2 and Baldev Ram/plaintiff No.1, the same was partly allowed and it is held that the suit is partly decreed only to the extent that plaintiff No.2 i.e. the

petitioner Paramjit Singh is declared owner of the share of plaintiff No.1, on the basis of sale deed admitted to be executed by plaintiff No.1 in favour of plaintiff No.2.

Now the petitioner alleges, the respondents have taken possession of suit land.

Since in the judgment of the Lower Appellate Court, there is no finding that either the plaintiff No.1 or plaintiff No.2 is in possession of the suit property and only it is held that they are owner of the suit property, the order of status quo qua which the violation is alleged, is to be interpreted in terms of the said judgment.

Accordingly, no willful disobedience is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

01.03.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No