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2023:PHHC:057850

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCp-2982-2016 (O&M)
Date of decision: 25.04.2023

Sher Singh

....Petitioner

Versus

Parmod and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ravinder Rana, Advocate
for Mr. Vivek Khatri, Advocate
for the petitioner.

Mr.Amit Singla, Advocate for respondents No.1 and 2.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 22.10.2016, vide which while issuing notice of motion, the status quo regarding the possession as it existed on that day, was directed to be maintained.

Brief facts of the case are that respondents No.1 and 2 had filed a civil suit for declaration that they are in possession of the suit property and the *Khasra Girdawari/Jamabandi* in the name of the respondents be corrected. The suit was dismissed by the trial Court vide judgment dated 22.04.2013, however, in an appeal filed by the respondents, the same was allowed and the suit was decreed. One of the Issue No.3 is framed by the trial Court is with regard to the possession of the property. While reversing the finding, the Lower Appellate Court held that Issue No.3 is also decided in favour of respondent No.2,

meaning thereby, the respondents No.1 and 2 were held to be owner in possession of the suit land by the Lower Appellate Court.

In view of the same, the order dated 22.10.2016 passed by the RSA Bench in the RSA filed by the petitioner, who is the defendant in the suit would interpret in the manner that it was the respondents No.1 and 2, who are in possession of the suit property wherein the status quo order was passed.

Accordingly, no willful disobedience of the order is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

25.04.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No