

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-8075-2017(O&M)

Date of decision: January 18, 2023

Tarlok Singh

....Petitioner

versus

Shamsher Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. G.S. Punia, Senior Advocate with
Mr. Amitoj Singh, Advocate for the petitioner.

None for the respondents, despite service.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside impugned order dated 18.09.2017 (Annexure P-1) passed by learned Additional District Judge, Fatehgarh Sahib affirming the impugned order dated 28.07.2016 (Annexure P-2) passed by learned Civil Judge (Junior Division), Amloh whereby in a suit for permanent injunction, application of the respondent-plaintiffs under Order 39 Rules 1 & 2 read with Section 151 of Code of Civil Procedure for grant of *ad interim* injunction, was allowed.

2. None has caused appearance on behalf of respondents, despite service.

3. Learned Senior counsel for petitioner submits that learned Appellate Court held that since only *status quo* has been granted, no prejudice is caused to defendant-appellant but it failed to consider that learned trial Court gave a firm finding that plaintiffs have been able to show that they are in possession of the suit land, directing the parties to maintain

status quo. The orders impugned herein amount to granting of injunction restraining the defendant-petitioner.

3.1. Learned Senior counsel further submits that respondent-plaintiffs and petitioner are co-sharers in the suit land and no injunction can be granted against a co-sharer.

4. Having heard contentions of learned counsel for petitioner, I am of the view that instead of exercising the extraordinary revisional jurisdiction to consider the merits of the interim order dated 28.07.2016 (Annexure P-2) passed by learned trial Court and affirmed by the learned First Appellate Court vide order dated 18.09.2017 (Annexure P-1), it is expedient to request learned trial Court to dispose of the trial pending before it without granting unnecessary adjournments, given that suit was filed way back in 2015. However, while disposing of the revision petition, it is made clear that while allowing the application of the plaintiff-respondents, learned trial Court vide impugned order dated 28.07.2016 ordered the parties to maintain *status quo* regarding possession over the suit property. The said arrangement was further ordered by the learned Appellate Court as well vide impugned order dated 18.09.2017. It would be proper that parties maintain *status quo* regarding possession till the final adjudication of the trial since both parties are claiming their respective possession over the land in dispute. Prima facie case is not to be confused with prima facie title which has to be established on evidence at the time of trial.

5. In the premise, interim arrangement of *status quo* regarding possession granted vide order dated 28.07.2016 by learned trial Court and order dated 18.09.2017 by learned Appellate Court are made absolute till the

conclusion of the trial. Learned trial Court to proceed in accordance with law and conclude the trial as expeditiously as possible.

- 6. Disposed of, accordingly.
- 7. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 18, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No