

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CR No.879 of 2022 (O&M)
Date of Decision : 01.02.2023**

Satyawati @ Satbati

....Petitioner

VERSUS

Jakir @ Bulli and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arjun Dhingra, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India impugning the order dated 02.02.2022 vide which the application for providing police help for enforcing the injunction order has been dismissed.

The brief facts relevant to the present *lis* are that the plaintiff-petitioner filed a suit for permanent injunction praying therein that the defendant-respondents, who are strangers qua the suit property, have been trying to forcibly take possession and demanding Rs.5 lakhs from the plaintiff-petitioner and hence they may be restrained.

On 16.10.2020 the following order was passed by the Trial Court :

“Power of attorney on behalf of defendants has been filed by Sh. Arshad Hussain, Advocate. Same be taken on record.

At this stage, learned counsel for defendants vide his separate recorded statement submitted that the defendants have no concern with the suit property. The defendants are neither the owner nor they are co-sharer

in the suit property. The defendants are directed to remain bound by statement and also directed not to interfere in possession of the plaintiff or raise any sort of construction over the suit property.

Now, case stands adjourned to 22.10.2020 for personal presence of parties.”

Thereafter, an application was filed for providing police help for enforcing order dated 16.10.2020. In the said application it was averred that the defendant-respondents were again interfering in the peaceful possession of the plaintiff-petitioner and hence the police help be provided. It was further averred that on a complaint to the police official, construction work being carried out by the defendant-respondents was stopped with the intervention of the police. Vide the impugned order the said application has been dismissed. Hence, the present revision petition.

Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner had made various complaints to the police and yet the defendant-respondents are interfering in his possession. Learned counsel for the plaintiff-petitioner would further contend that the police help would be required to implement order dated 16.10.2020. On a pointed query as to whether any of the police complaints were appended with the application for providing the police help, learned counsel for the plaintiff-petitioner has candidly admitted that the same have not been appended with the application. Even before this Court there is no material on the record to show that any police complaints were made. There is no evidence on the record to show any sort of interference by the defendant-respondents at this

point of time. In the absence of any such evidence, the application for providing police help has rightly been dismissed.

In view of the above, I do not find any illegality or infirmity in the impugned order passed by the Trial Court. The present revision petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

It is made clear that any observation made in this order shall not be treated as an expression of opinion of this Court on the merits of the case.

01.02.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO