

**CM-18445 & 18447-CII-2022 in/and
COCP-1220-2022**

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

**CM-18445 & 18447-CII-2022 in/and
COCP-1220-2022 (O&M)
Date of decision: 02.02.2023**

Kailash

... Petitioner

Vs.

Vinod Kumar and ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. Arjun Lakhanpal, Advocate
for the applicant-petitioner.**

Mr. Pawan Kumar Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CM-18445-CII-2022

For the reasons stated in the application, same is allowed and representations dated 01.11.2022 and 03.11.2022 are taken on record as Annexures P-5 & P-6.

CM stands disposed of.

CM-18447-CII-2022

For the reasons stated in the application, same is allowed and date of hearing is preponed from 09.02.2023 to today.

CM stands disposed of.

COCP-1220-2022

The petitioner alleges violation of the order dated 05.04.2022 passed in RSA-1128-2021, vide which status quo regarding possession was directed to be maintained.

Learned counsel for the petitioner submits that the respondents are violating the aforesaid order.

A perusal of the judgment passed by the trial Court, vide which suit of the petitioner-plaintiff was dismissed, shows that under issue No.2 regarding relief of permanent injunction qua the possession, the trial Court recorded a finding that the plaintiff has failed to prove the same and the suit was dismissed. Thereafter, appeal filed by the petitioner was also dismissed.

Since both the Courts below have recorded a finding that the petitioner is not found in possession of the property, the order of status quo regarding possession is to be interpreted in terms of two judgments of the Courts below.

Accordingly, no willful disobedience is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

02.02.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No