

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47039-2017

Date of decision: 16.02.2023

Davinder Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Bhupinder Gupta, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This is a petition under Section 482 Cr.P.C. seeking direction to respondent Nos.2 and 4 to take stern legal action on the representation dated 21.10.2017 filed by the petitioner (Annexure P-4), which the respondent No.6 has committed criminal acts and defied orders passed by the Ld. Trial Court.

On the last date, the following order was passed:-

“Mr. Vikasdeep Singh, Advocate puts in appearance on behalf of respondent No.6 and filed power of attorney in the Court today which is taken on record.

On 22.11.2018, the following order was passed:-

“Heard.

Although, the Addl. Civil Judge (Senior Division), Sultanpur Lodhi, after hearing the learned counsel for the parties, has passed a specific order dated 19.01.2017 on the application under Order 39 Rules 1 & 2 read with Section 151 of the Code of Civil Procedure (in short 'the CPC') and restrained the defendant Manjinder Kaur (respondent No.6 here) from interfering into the possession in civil suit No.75 dated 02.05.2016. This Court would like to reproduce the said order hereunder:-

“Therefore, registered Will dated 29.09.2014 purportedly executed by Sukha Singh has turned out to be sufficient to make out a prima-facie case to the effect that after the death of Sukha Singh, it is applicant/plaintiff No.3, who is in settled possession over the suit property. Balance of convenience also lies in favour of applicants/plaintiffs. Further applicants/plaintiffs shall suffer an irreparable loss and injury if respondent/defendant is not restrained from interfering into peaceful possession of the applicants/plaintiffs over the suit property. Therefore, injunction application, moved by plaintiffs/applicants is hereby allowed and the defendant/respondent

is hereby restrained from interfering into peaceful possession of the plaintiffs/applicants over the suit property, forcibly and illegally, except in due course of law. However, anything mentioned herein above shall not be construed as an expression of opinion of this Court on the merits of the case.”

But inspite of that, said defendant started interfering into the possession, therefore, the petitioners filed another application under Section 151 CPC which was disposed of by the learned Addl. Civil Judge (Junior Division), Sultanpur Lodhi vide order dated 12.10.2017, vide which the police help was ordered to be provided to the applicants-petitioners. In spite of that, Tehsildar while acting as an Assistant Collector vide order dated 28.03.2018 has observed that girdawari cannot be changed in the name of the petitioner as the land belongs to Government as per jamabandi for the year 2001-12.

Notice of motion for 15.12.2018.

Meanwhile, respondent-State is directed to comply with the order dated 12.10.2017 and provide police help to the petitioners, if so required.”

Learned counsel for respondent No.6 submits that during the pendency of the present petition, the said suit (filed by the petitioners) as has been referred in the order dated 22.11.2018 has been dismissed by the Court of learned Additional Civil Judge (Senior Division), Sultanpur Lodhi, vide order dated 20.12.2022 and copy of the same has been produced in the Court and the same is taken on record. He further submits that in view of the above, the instant petition has been rendered infructuous.

Learned counsel for the petitioners seeks time to get instructions.

Adjourned to 16.02.2023.”

Learned counsel for the petitioner submits that the instant petition has been rendered infructuous and the same may be disposed of as having become infructuous.

In view of the above, the present petition is disposed of as having become infructuous.

16.02.2023

Parveen kumar

**(NAMIT KUMAR)
JUDGE**

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