

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

**COCP-1508-2021 (O&M)
Date of decision : 17.02.2023**

Samay Singh

...Petitioner

Versus

Inderjeet Yadav and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Pratibha Yadav, Advocate
for the petitioner.

Mr. Sunil Kumar, Advocate
for respondent Nos. 1 and 2.

Ms. Rajni Gupta, Addl. A. G., Haryana
for respondent Nos. 3 and 4.

Mr. Prateek Mahajan, Advocate
for respondent No. 5.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 16.07.2021, passed by this Court in CR-1325-2021, vide which, the parties were directed to maintain *status quo* as it existed on that day.

Brief facts of the case are that petitioner Samay Singh has filed a suit for permanent injunction against the private respondents that they should be restrained from raising construction of the cantilever towards the passage. The application, filed by the petitioner under Order 39 Rule 1 and 2 CPC, was dismissed by the trial Court as well as by the lower appellate Court and thereafter, aforesaid civil revision was filed before this Court, in which, the order of *status quo* as it existed on 16.07.2021 was passed.

Learned counsel for respondent Nos. 1 and 2 submits that on an application, moved by the respondents for preponement of the aforesaid

civil revision, the order dated 16.07.2021 has been modified on 17.02.2022 to the extent that it is clarified that order of *status quo* does not bar the removal of building materials i.e. Shuttering etc. from the spot.

Reply, filed on behalf of respondent No. 3/police official, is also on record, in which, it is stated that police officials have not violated any order and FIR No. 186 dated 19.04.2021, under Sections 323, 427, 506, 34 of the IPC was registered at Police Station Palam Vihar, Gurugram against the petitioner on a complaint made by respondent No. 1 and the report under Section 173(2) Cr.P.C. has already been submitted.

Be whatsoever, it is apparent that at the time when the order of *status quo* was passed on 16.07.2021, the private respondents had already construction as while modifying the order dated 16.07.2021 on 17.02.2022, they were granted permission to remove the building material from the spot. Even otherwise, the order of *status quo* as it existed on 16.07.2021 is to be interpreted in terms of the two orders passed by the Courts below dismissing the application filed by the petitioner/plaintiff under Order 39 Rule 1 and 2 CPC.

In view of the above, no case of any willful disobedience is made out against the respondents and the present petition is dismissed.

Rule stands discharged.

17.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No