

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

151

2023:PHHC:107295

**CR-1760-2021 (O&M)
Date of decision: 18.08.2023**

DEVENDER AND ANR

..Petitioners

Versus

JAGDISH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chanderhas Yadav, Advocate
for the petitioners.

Mr. Jitender Nara, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. This revision petition arises from an interlocutory order passed by the Courts below while deciding an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908.
2. On 01.09.2021, the following order was passed:-

“The petitioners are the plaintiffs. They have filed a suit for permanent and mandatory injunction seeking to protect possession of plot No.954/1 purchased vide registered Sale Deed dated 06.01.2010. Along with the plaint, application under Order 39 Rules 1 and 2 CPC was filed but the same was rejected by the trial Court. Appeal against the same has also failed.

A perusal of the order of the appellate Court shows that the petitioners-plaintiffs have been non-suited on the ground that they have concealed the factum of subsequent sales by them in favour of third parties out of the plot in dispute.

Learned counsel for the petitioners submits that 11 Biswas of land equivalent to 1663 square yards was purchased vide Sale Deed dated 06.01.2010. Vide Sale Deed dated 14.09.2017, 200 square yards out of the same was alienated in favour of Suman Devi and Manisha. 100 square yards was alienated vide Sale Deed dated 03.10.2017 in favour of one Ranbir. The petitioners would not gain anything by concealing these sale deeds. The same were not mentioned just because there was no relevance of the same to the dispute in hand. Plot No.954/1 measures 11 Biswas only and the Sale Deed

dated 06.01.2010 recites handing over of physical possession. The said plot may be part of joint land but the petitioners have actual physical possession of the same. The plot is also identifiable and, thus, the Courts below were in error in non-suiting the petitioners only on the ground of concealment.

Notice of motion for 18.01.2022.

Meanwhile, status quo regarding possession as it exists today shall be maintained.”

3. It is evident that the interim order passed on 01.09.2021 is continuing to operate till date.
4. The learned counsel representing the parties admit that the case is now at the stage of plaintiff’s evidence. They undertake to conclude their evidence within a period of six months.
5. Keeping in view the aforesaid facts, the revision petition is disposed of while requesting the trial Court to decide the case within a period of seven months, from today.
6. Till then, the interim order dated 01.09.2021, shall continue to operate.
7. All the pending miscellaneous applications, if any, are also disposed of.

August 18th, 2023

Ay

**(ANIL KSHETARPAL)
JUDGE**

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