

137.

2023:PHHC:108292

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

CR-4743-2023

Date of decision: 21.08.2023

Siel Industrial Estate Limited, Rajpura, District Patiala Petitioner

Versus

Ujada Roko Shangharsh Committee through its President, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

GURBIR SINGH, J. (Oral)

Challenge in this petition is to the order dated 28.04.2023 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Rajpura, whereby the application moved by the petitioner for grant of police help to implement the stay order dated 09.11.2022 (Annexure P-6) passed by learned Additional District Judge, Patiala, was dismissed.

It is submitted that petitioner filed an application under Order 39 Rules 1 and 2 read with Section 151 CPC for issuance of temporary injunction restraining the respondents and their associates not to interfere in the peaceful possession of the suit property. Vide order dated 21.04.2022 (Annexure P-4), learned Additional Civil Judge (Senior Division), Rajpura directed the parties to maintain status quo with regard to suit property. However, the petitioner filed an appeal before the learned Additional District Judge, Patiala seeking modification of order dated 21.04.2022 to the extent

that respondents be restrained from holding demonstrations, protest and dharnas on the suit property. Learned Additional District Judge vide order dated 09.11.2022 (Annexure P-6) modified the order dated 21.04.2022 to the extent that defendants/respondents No.3, 5 to 19 are restrained from interfering in the peaceful possession of the petitioner in the suit property. The petitioner filed various representations before the concerned authorities for implementation of order dated 09.11.2022, but no action was taken. Hence, the present petition.

I have heard learned counsel for the petitioner.

The relevant extract of impugned order dated 28.04.2023 reads as under:-

“5. Perusal of record shows that application under Order 39 Rule 1 and 2 CPC was disposed off by my learned Predecessor vide order dated 21.04.2022 with directions to maintain status quo with regard to existing position of the suit property till final disposal. Perusal of the application seeking police assistance in implementation of stay order shows that no specific instance regarding any threat or violation of order by the defendants is mentioned. No specific day, date, month or year has been mentioned in the entire body of the application. Further the application in hand is not supported by affidavit of competent person. There is nothing in the entire body of application which indicates that status-quo order has ever been violated by the defendants. It is simply stated in the application that defendants are intimidating the investors. Perusal of order dated 21.04.2022 shows that it has been passed against defendants only with direction to maintain status-quo and no order with regard to investor has been passed. To sum up application is completely vague and does not make out convicting case for

implementation of order dated 21.04.2022 by way of police help. Hence, application being bereft of merits stands dismissed.”

Learned court below failed to take into notice the order passed by the appellate Court but only considered the order passed by learned Civil Judge whereby the parties were directed to maintain status quo.

To avoid any financial burden, service to respondents is hereby dispensed with.

The order dated 28.04.2023 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Rajpura is hereby set aside. Learned Additional Civil Judge is directed to decide the application dated 23.02.2023 (Annexure P-10) afresh in accordance with law as early as possible.

Disposed of accordingly.

(GURBIR SINGH)
JUDGE

August 21, 2023
sanjeev

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