

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

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CR No.4246 of 2022 (O&M)
DATE OF DECISION : 16th JANUARY, 2023

Parshant Singh and another

.... Petitioners

Versus

Pooja Goswami and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sanjiv Gupta, Advocate
for the petitioners.

Mr. Jagdish Manchanda, Advocate
for the respondents.

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RAJBIR SEHRAWAT, J. (Oral)

CM-14251-CII-2022

Allowed, as prayed for.

CM-14259-CII-2022 and 18498-CII-2022

These are application for vacation of interim direction dated 29.09.2022 granted by this Court, as well as, for filing reply to the said application.

Reply to the application for vacation of interim direction is taken on record.

Since, the main case is being disposed of today itself, therefore, the application for vacation of interim direction has been rendered infructuous and is disposed of as such.

Main Case

This is a revision petition filed under Article 227 of the Constitution of India against the impugned order dated 23.09.2022 (Annexure P-3) passed by the Additional District Judge, Yamuna Nagar at Jagadhari, whereby the order dated 27.05.2022 (Annexure P-2) passed by the Civil Judge (Junior Division), Yamuna Nagar at Jagadhari has been set aside.

During the course of arguments, learned counsel for the respondents has submitted that the respondents were actually in possession of the property in dispute. The trial Court had wrongly recorded that the respondents were not in possession of the property. This was nothing but a legal fiction created by the trial Court on account of the respondents being co-sharers by purchase. Therefore, the same has rightly been reversed by the lower Appellate Court.

On the other hand, learned counsel for the petitioners has submitted that the trial Court had rightly granted the injunction and the lower Appellate Court has wrongly reversed the same. The counsel has further submitted that in any case, the present matter deserves to be taken to the partition proceedings, but till then a middle path be adopted and status quo regarding possession be ordered to be maintained at the spot.

Learned counsel for the respondents does not have any objection to maintenance of status quo regarding the possession on the land in dispute till filing of partition proceedings. However, it is further submitted by him that nothing said in the orders of the Courts below should be read against the respondents.

In view of the above, the present revision petition is disposed of by modifying the orders passed by both the Court below and it is ordered that in case the petitioners file a partition proceeding within a period of four weeks from today, then the status quo regarding possession shall be maintained till the Partition Authority takes cognizance of the matter. But it is clarified that nothing observed in the orders passed by the Courts below or even as observed by this Court, would be taken as an expression on merits qua the possession of either of the parties.

However, since this is a conditional order, therefore, it is further ordered that in case the partition proceedings are not filed by the petitioners within a period of four weeks from today, then the present revision petition shall stand dismissed; without reference to the Court any further.

The pending miscellaneous applications, if any, are also disposed of as such.

16th JANUARY, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>