

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-6649-2023 (O&M)

Decided on : November 06, 2023

SATWANT KAUR

..... Petitioner

Versus

SURJEET KAUR AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Singh, Advocate
for the petitioner.

NAMIT KUMAR, J. (Oral)

1. The instant Revision Petition has been preferred by the petitioner under Article 227 of the Constitution of India impugning the order dated 31.08.2022 (Annexure P-1) passed by the court of learned Civil Judge (Jr. Divn.), Shahabad, District Kurukshetra, whereby the trial court has directed to maintain *status quo qua* possession and alienation till filing of the written statement and till service of the defendant no.1 is secured and the order dated 17.10.2023 (Annexure P-2) passed by the same Court, whereby the application filed by the respondent-Surjit Kaur seeking police help for implementation of the order dated 31.08.2022 has been allowed.

2. The brief facts relevant for disposal of the present Revision Petition are that the respondent/plaintiff had filed a civil suit for permanent injunction on 24.08.2022 seeking restraint orders against the petitioners / defendants and against respondent no.3 from interfering in the peaceful possession over the first floor of the house situated at Aroop Nagar, near Gumti Road, backside Railway

Station, Shahabad, District Kurukshetra and in the said suit a plea was taken by the plaintiff that the defendants are bent upon to dispossess the plaintiff from the suit property and, therefore, *interim* protection may be granted to her (plaintiff); and the defendants may be restrained from dispossessing the plaintiff from the suit property; and from alienating the suit property in favour of any third party. The said prayer was accepted by the trial court vide order dated 31.08.2022 and while relying upon the two compromises dated 27.04.2022 and 02.05.2022, whereby mutual understanding regarding the residence of the plaintiff at the first floor of the abovesaid house was arrived, it was directed that the parties to the suit shall maintain *status quo qua* possession and alienation over the suit property till filing of the written statement. The operative para of the order dated 31.08.2022 passed by the trial court as as under:-

“ 5. I have heard learned counsels for the parties and have perused the case file very carefully. Perusal of the case file shows that dispute between the parties is already existing as complaints have been moved by both the parties against each other. A compromise is also stated to be effected on 27.04.2022 wherein permission to the plaintiff was given to let her reside in the matrimonial home. Another compromise dated 02.05.2022 has also been placed on file wherein also, the mutual understanding regarding the residence of plaintiff at first floor has been arrived. Thus, it is prima facie evident that the plaintiff was given the liberty to reside in the house in dispute. Although learned counsel for defendants no. 2 and 3 has stated that the plaintiff is not actually residing and just want to seek an injunction order in her favour to harass the defendants, however, the said plea cannot be accepted at this stage when evidently compromise has been shown to be effected between the parties whether the compromise was voluntarily effected or not and in what circumstances the same was effected has to be proved by the defendants. In these circumstances, ends for justice would be met if

both the parties are ordered to maintain status quo qua possession and alienation till filling of written statement and till the service of defendant no. 1. Accordingly, parties to the suit are directed to maintain status quo qua possession and alienation till filling of written statement and till the service of defendant no. 1 is secured.

Date of order 31.08.2022

*Sd/-
(Rajat Verma)
CJ(JD), Shahabad
UID No. HR0375 ”*

3. Thereafter, the plaintiff filed an application seeking police help for providing shelter in the matrimonial home in terms of order dated 31.08.2022 and the said application has been allowed by the Court of learned Civil Judge (Jr. Divn.) Shahabad, vide order dated 17.10.2023 whereby the present petitioner and respondent no.3 were directed to adhere to the order dated 31.08.2022 and not to restrain the plaintiff from entering her portion in the suit property and if they do so then the concerned SHO will provide necessary police assistance alongwith a lady constable to the plaintiff in order to enable her to enter her portion of the house in question on production of said order.

It is apt to mention here that on the same very date an application under Order 7 Rule 11 of CPC was filed before the Court of learned Civil Judge (Jr. Divn.) Shahabad, for rejection of the plaint, in which time was granted to the plaintiff to file reply to the said application.

4. Learned counsel for the petitioner submits that the suit filed by the plaintiff is not maintainable and for this reason an application under Order 7 Rule 11 CPC has been preferred, which is still pending for consideration before the Court of learned Civil Judge (Jr. Divn.) Shahabad and till decision of the said application the impugned orders may not be given effect to.

5. I have considered the submission made by learned counsel for the petitioner but does not agree with the same as the impugned order dated 31.08.2022, which is now being challenged after a period of more than one year is based upon two compromises dated 27.04.2022 and 02.05.2022 and as per the said compromises, it was agreed between the parties that the plaintiff shall remain in possession of the first floor of the house in question. The impugned order dated 17.10.2023 is only a consequential order for implementation of the order dated 31.08.2022 and does not require any interference and this Court is of the considered opinion that the impugned orders passed by the Court below are quite detailed and well-reasoned and does not suffer from any illegality or infirmity and are not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

6. Finding no merit in the revision petition, the same is dismissed.

7. All pending application(s), if any, shall stand disposed of.

November 06, 2023

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**(NAMIT KUMAR)
JUDGE**

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