

119.

2023:PHHC:161095

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

CR-7598-2023 (O&M)

Date of decision: 15.12.2023

NARINDER KUMAR AND OTHERS

.... Petitioners

Versus

YUSAF KHAN AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Satwant Singh Rangi, Advocate, and
Mr. Khushkaran K. Goyal, Advocate, for the petitioners.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 22.09.2023 (Annexure P-11) passed by respondent No.2-Punjab Wakf Board, Rajpura, vide which ex-parte injunction has been declined to the petitioners-plaintiffs on an application filed under Order 39 Rule 1 and 2 read with Section 151 CPC (Annexure P-10) against respondent No.1, who has raised construction in front of the gate of petitioners' house and trying to dispossess them from the house.

2. Learned counsel for the petitioners-plaintiffs submits that earlier petitioner No.1 came in possession of the property as a lessee under the Wakf Board way back in 1992. Later on, lease deed was executed in favour of the son of the petitioner i.e petitioner No.2 and in the year 2019-20 in favour of the wife of the petitioner i.e. petitioner No.3. Respondent No.1 has made

some construction, for which, suit for mandatory and permanent injunction has been filed before the Wakf Tribunal. An application under Order 39 Rule 1 and 2 read with Section 151 CPC was moved since respondent No.1 has started construction further. It is contended that the court below instead of granting ad interim injunction, issued notice to respondents/defendants. It is submitted that great hardship is being faced by the petitioners.

3. Learned counsel further submits that at this stage, the petitioners would be satisfied if till disposal of the application under Order 39 Rule 1 and 2 read with Section 151 CPC, no construction is made at the spot.

4. Keeping in view that the court ex-parte interim injunction has been declined to the petitioners in view of the fact that prima facie petitioners have to prove possession over the property, so this revision petition is disposed of with a direction to the learned Tribunal to dispose of the application of the petitioners filed under Order 39 Rule 1 and 2 read with Section 151 CPC expeditiously and till the disposal of said application, parties are directed to maintain status quo.

(GURBIR SINGH)
JUDGE

December 15, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No