



CR-564-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.130

CR-564-2020 (O&M)
Date of Decision: 23.05.2024

HARNEK SINGH

....Petitioner

Versus

JAGROOP SINGH

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mohd. Jameel, Advocate,
for the petitioner.

Mr. Jashan Jot Singh Uppal, Advocate,
for the respondent.

ARCHANA PURI, J. (Oral)

CM-2417-CII-2022

The present application had been filed for preponement of the date of hearing of the main case.

Since the main case is fixed for hearing today itself, the instant application has become infructuous. Hence, the instant application is hereby dismissed, as such.

CM-18139-CII-2023 and Main case

CM-18139-CII-2023 has been filed by learned counsel for the petitioner, thereby making a prayer for issuance of direction to the



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respondent to hand over the custody of the movable properties of the petitioner, to the Receiver, appointed by learned Trial Court.

The present revision petition has been filed to challenge the order dated 31.10.2019 (Annexure P-2), passed by learned Appellate Court, whereby the order dated 27.02.2017 (Annexure P-1), passed by learned Trial Court, *vis-a-vis* appointment of Receiver, was set aside.

Reply to the aforesaid application i.e. CM-18139-CII-2023 has been filed in the Court today and the same is taken on record. In the reply, it has been submitted by learned counsel for the respondent that the main suit, filed for issuance of mandatory and permanent injunction, was disposed of by learned Trial Court, vide judgment dated 25.10.2023, whereby a direction was given to the respondent/defendant, to hand over the possession of the tractor, as detailed in the head note of the judgment and further the respondent/defendant was restrained from using the tractor and agricultural equipments and also from changing the nature and alienating the tractor, along with agricultural implements. However, along with the reply, besides copy of judgment, which is Annexure R-1, also a copy of order dated 30.11.2023, passed by learned Appellate Court, which is Annexure R-2 has been affixed.

Perusal of the order dated 30.11.2023 reveals that, at the inception stage, learned Appellate Court had stayed the operation of the judgment and decree dated 25.10.2023. In the given circumstances, no such order, can be passed, *vis-a-vis* direction to be given to the respondent, to hand over the custody of the movable properties.

In the given circumstances, **CM-18139-CII-2023** is hereby dismissed.



Further, it is pertinent to mention that the impugned order is 31.10.2019, which was passed, during the pendency of the suit, pending before learned Trial Court, whereby the order dated 27.02.2017 (Annexure P-1), passed by learned Trial Court, was set aside, *vis-a-vis* appointment of Receiver. Since, the main suit has already been decided and the appeal has also been filed, the instant revision petition, as such, is hereby dismissed, as having become infructuous.

23.05.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No