

**CR-6189-2023 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
122****CR-6189-2023 (O&M)****Date of decision: 30.07.2024****VINOD KUMAR AND ANOTHER****.....PETITIONERS****V/S****STATE OF HARYANA AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MRS. JUSTICE RITU TAGORE****Present:** Mr. Ajay Jain, Advocate,
for the petitioners.Mr. R.K.Singla, DAG, Haryana,
for respondents No. 1 and 2.Mr. Sanchit Punia, Advocate,
for respondent No. 3.Mr. Pravesh Bishnoi, Advocate,
for respondent N. 4.**RITU TAGORE, J. (ORAL)**

1. The challenge in this revision petition filed under Article 227 of the Constitution of India is to the order dated 29.09.2023, whereby learned Civil Judge (Jr. Divn.), Hisar, refused to grant *ad interim* injunction to the petitioners.

2. The petitioners, who are residents of District Hisar, Haryana, instituted a suit for permanent injunction against respondent No. 4 with a prayer to restrain respondent No. 4 from changing the nature of Gair-Mumkin Johar, which was left for the common purpose of villagers in Khewat No. 218//207, Khatauni No. 261, Khasra No. 120/5 (194-19), situated at Village Bhojraj, Post Office Dahima, Tehsil and District Hisar, as per the Jamabandi for the year 2017-2018 owned and possessed by respondent No. 3/defendant No. 3-Gram Panchayat, with a further prayer to restrain respondents No. 1 to 3/defendants No.



1 to 3 from rendering any assistance, help or support of any kind to respondent No. 4/defendant No. 4 in changing the nature of the land in dispute, and for mandatory injunction to direct respondents No. 1 to 3/defendants No. 1 to 3 to initiate legal action against respondent No. 4/defendant No. 4 for making changes in nature of suit land.

3. Learned counsel for the petitioners states that although replies to the application under Order 39 Rules 1 and 2 CPC have been filed before the learned trial Court but the learned trial Court has yet to decide on the said application. Further, this Court has been apprised that the next hearing before the learned trial Court is scheduled for 27.08.2024.

4. Learned counsel representing the respondents do not deny this position.

5. Accordingly, this revision petition is, hereby, disposed of with a direction to the learned trial Court to adjudicate the application under Order 39 Rules 1 and 2 CPC preferably on the date fixed i.e. 27.08.2024 or at least within 15 days thereafter. In the interim, the status quo granted by this Court shall remain in effect until 27.08.2024.

6. It is further clarified that the learned trial Court shall decide the application under Order 39 Rules 1 and 2 CPC based on the record, independently and without being influenced by the order passed by this Court.

7. Pending applications, if any, also stand disposed of accordingly.

July 30, 2024

pj

**(RITU TAGORE)
JUDGE**

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