



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
125

CR-6528-2024(O&M)
Date of decision: 30.10.2025

Sumit Malik

...Petitioner(s)

Vs.

Arvind Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ajay Kaushik, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India, against the order dated 05.08.2024 (Annexure P12) whereby application filed by the petitioner seeking Police help, has been dismissed.

2. Brief facts of the case are that the petitioner had filed suit dated 16.06.2022 (Annexure P1) seeking mandatory and permanent injunction against the respondents. Along with the suit, petitioner had filed application under Order 39 Rules 1 and 2 CPC on 16.06.2022. The respondents/defendants had filed their written statement/reply to the above said proceedings. Vide order dated 20.09.2022 (Annexure P3), the said application of the petitioner under Order 39 Rules 1 & 2 CPC was dismissed. Against the same, the petitioner filed appeal dated 19.10.2022,



which was allowed vide order dated 31.05.2023 (Annexure P4) with costs. Subsequently, as it was the case of the petitioner that the respondent was not complying with the ad interim injunction granted by the Additional District Judge, Kurukshetra, vide order dated 31.05.2023, the petitioner had filed an application under Order 39 Rule 2A read with Section 151 CPC seeking initiation of contempt proceedings against the respondents on 31.10.2023 (Annexure P5). The respondents filed reply dated 'Nil' (Annexure P6) to the said application under Order 39 Rule 2A CPC. Thereafter, on 26.03.2024 petitioner had filed instant application (Annexure P7) seeking Police help. The respondents filed reply dated 24.07.2024 (Annexure P11) to the said application of the petitioner. Vide impugned order dated 05.08.2024 (Annexure P12), the said application of the petitioner seeking Police help, has been dismissed.

3. It is inter alia submitted by learned counsel for the petitioner that vide order dated 31.05.2023 (Annexure P4), the learned Additional District Judge had categorically directed that *"the defendants-respondents are liable to be restrained from raising any construction over the suit-land till the final decision of the case..."*. It is submitted that despite the grant of the said ad interim injunction, the respondents continued to raise construction over the suit land. Accordingly, the petitioner had sought Police help to enforce the order dated 31.05.2023. As such, application of



the petitioner for seeking Police help could not have been declined.

Learned counsel accordingly prays for setting aside of the impugned order.

4. No other argument is made on behalf of the petitioner.
5. I have heard learned counsel and perused the case file in detail.
6. Perusal of record of the case shows that the petitioner has not presented the complete facts. Perusal of the impugned order shows that although it has been submitted by the petitioner that respondents are not complying with the order dated 31.05.2023, the same is factually incorrect as record reveals that besides moving an application for Police help, the petitioner had also sought appointment of Local Commission which was allowed by the learned Court below. The Local Commission had supported his report along with photographs which reflected that there was no further construction going on over the suit property. It was for this reason that the learned Civil Judge (Junior Division), Kurukshetra had declined request of the petitioner for Police help vide the impugned order dated 05.08.2024, the relevant part of which reads as follows:-

“5...Thereafter, plaintiff filed an appeal in the court of Sh. Ashu Kumar Jain, Learned Additional District Judge, Kurukshetra vide which order dated 20.09.2022 passed by Ms. Sandeep Kaur, learned the then Civil Judge, Kurushetra has been set aside on 31.05.2023. Learned Additional Court had given the directions that defendants will not raise the construction over the suit property. Thereafter, The plaintiff moved an application for police help on 26.03.2024 and request for appointment of Local



Commission was also made by the plaintiff. Report of Local Commissioner along with photographs received. After perusal of report of Local Commissioner as well as photographs it is revealing that there is no further construction over the suit property. Thus, at this stage, no ground is made out to provide any police help to the applicant/plaintiff.

6. Therefore, in view of the facts and circumstances of the present case and in view of the observation extracted above, the application in hand is deserves to be dismissed and is hereby dismissed..."

7. Learned counsel for the petitioner is unable to dispute or controvert the above-said facts.

8. Present petition accordingly stands **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

30.10.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No