IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No.115 of 2026

Date of Decision : 27.04.2026

Jasbir Kaur ...Petitioner

Versus

Onkar Dass ...Respondent

Coram:

The Hon'ble Mr. Justice Romesh Verma. Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Mohit Jaitak Advocate(through Video Conference).

For the respondent Mr. R.K. Gautam,Sr. Advocate with Sahil Dixit, Advocate.

Romesh Verma, Judge(oral)

The present petition arises out of the order dated 02.03.2026, as passed by the learned Senior Civil Judge, District Una, H.P., whereby, application under Section 151 C.P.C filed by the plaintiff/petitioner for providing Police help for implementation of order dated 15.12.2025 has been rejected.

2. Brief facts of the case are that the plaintiff/petitioner filed a suit for declaration against the defendant/respondent on the ground that the parties are joint owners in possession of the land measuring 583-47 Sq. mtrs. bearing Khewat No.606, Khatauni Nos 1257 & 1258 Khasra

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

Numbers 1420,1428 & 1429, as per jamabandi for 2020-2021. The plaintiff has challenged the partition conducted in a case bearing No. 52/T/Una/2016 and further the order of mutation attested on the basis of said partition. It is admitted by the parties that the said suit is pending before the learned trial Court and alongwith the suit, an application under Order 39 Rule 1 and 2 C.P.C was filed by the plaintiff, which stands allowed on 15.12.2025 in the following manner:

> "Now, the averments of both the parties is with respect to the use of passage over the suit land as such, once the partition has been challenged and the situation between the parties is such that the harmonious relations between the same are required to be maintained to avoid multiplicity of litigation. As such, I deem it appropriate for both the parties to maintain status quo qua nature ,construction and possession and use of the passage over the suit land till final disposal of the suit. Application stands accordingly disposed of. It, after due completion, be tagged with the main case file for record."

3. The plaintiff, pursuant to the status quo order passed by the learned Senior Civil Judge, Una, District Una (H.P.), has filed an application seeking police help for the implementation of the trial Court's order dated 15.12.2025.The

said application was duly resisted by filing exhaustive reply by the respondent.

4. The petitioner has challenged the impugned order on the ground that once there is an order of status quo with respect to the suit land, in that event the respondent/defendant cannot be permitted to violate the order till the time the same is modified or set aside by the competent Court of law. On the other hand, learned Senior counsel appearing for the respondent without touching merit of the case has submitted that after 18.03.2026, his client has stopped raising the construction over the suit land and he has instructions to submit that till the determination of the application under Order VII Rule 11 C.P.C, his client shall not raise the construction over the suit land. It is an admitted fact that an application under Order VII Rule 11 C.P.C is pending before the learned trial Court which has been filed by the defendant/respondent.

5. In view of the statement made by the learned Senior Counsel, on instructions, not to raise any construction till the the determination of the said application, this Court is of the opinion that the rights of the plaintiff stand protected. Accordingly, on the basis of the statement made by the learned

Senior Counsel for the respondent, the present petition stands disposed of.

6. It is made clear that the respondent shall remain bound by the statement as made before this Court.

7. Any observation made in the present proceedings are meant only for the adjudication of the present petition and the same shall have no bearing on the merits of the main case.

8. It is also made clear that in case, the application which has been filed for rejection of the plaint goes against the present defendant, in that event the plaintiff/petitioner shall have liberty to approach the competent Court of law for the redressal of her grievances including the filing of an application for police help.

9. With the above observations, the present petition is disposed off.

Pending application(s), if any, also stands disposed off.

(Romesh Verma),
Judge

27.04.2026 (veena)