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

CR-2120-2021 (O&M)
Date of decision: 26.02.2026

Jai Parkash and others

...Petitioners

Versus

Rajbala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Geeta Singhwal, Advocate and
Mr. M.L. Singhwal, Advocate for the petitioners.

Mr. Sushil Sheoran, Advocate for respondent Nos.1 and 2.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 05.09.2018 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Charkhi Dadri and order dated 04.08.2021 (Annexure P-2) passed by the Additional District Judge, Charkhi Dadri.

2. On 28.09.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“CM-9455-CII-2021

The application is allowed as prayed for.

CR-2120-2021

It is submitted by the counsel for petitioners that besides the writing dated 08.03.1963, which shows that the land in



question was purchased by the grand-father of the petitioner, even the revenue record qua the same land show the grand-father of the petitioner to be in possession of the same as gair morusi tenant. Therefore, the possession of the petitioner could not be disturbed without adhering to the process of law. Even if the writing dated 08.03.1963 is not to be taken into consideration, then also, the petitioner could not have been dispossessed, except through appropriate process of law meant for eviction of a tenant.

Notice of motion for 15.02.2022.

In the meantime, the respondents are restrained from interfering with the possession of the petitioner, till next date of hearing only.

28th SEPTEMBER, 2021 ”

3. Learned counsel for the petitioners has submitted that said order has been continuing for the last more than four years and case is now at the fag end and thus, the said interim order be continued till the time the suit is decided by the trial Court.

4. Learned counsel for the respondents has submitted that grant and continuance of the said interim order should not be construed as an expression of opinion on the merits of the case and the trial Court be directed to decide the main suit independent of the said fact after hearing counsel for the respondents.

5. Learned counsel for the petitioners has submitted that she has no objection to the said course of action.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioners as well as learned counsel for the respondents, the present revision petition is disposed of with the



following observations/directions:-

- i) Interim order dated 28.09.2021 would continue till the time the suit is finally decided. Grant and continuance of the said interim order should not be construed as an expression of opinion on the merits of the case and the trial Court is directed to decide the main suit independent of the same, after hearing both the parties concerned, in accordance with law.
- ii) Since, the suit is of the year 2018 and is stated to be at the fag end, thus, the trial Court is requested to decide the same as expeditiously as possible.
- iii) Learned counsel appearing before this Court have undertaken that counsel appearing before the trial Court would fully assist in expeditious disposal of the case.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

26.02.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No