

**325 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR No.4368 of 2022****Date of Decision: March 17, 2025****Satish Kumar and another****...Petitioners****Versus**

Nagar Council, Sangrur and another

...Respondents**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Ishan Gupta, Advocate for the petitioners.

Mr. D.S. Randhawa, Advocate for the respondents.

DEEPAK GUPTA, J.(Oral)

An application under Order 39 Rule 1 & 2 CPC moved by the plaintiffs (petitioners herein) in Civil Suit No.615 of 2022, titled as "**Satish Kumar and another v. Nagar Council**", for seeking temporary injunction was rejected by the trial Court vide order dated 26.07.2022 (Annexure P-15). The appeal filed by them was dismissed by the First Appellate Court on 17.09.2022 (Annexure P-17). This revision has been filed against the aforesaid orders.

2. Specific plea taken by the petitioners was that the suit property was earlier owned by Smt. Krishna Gandhi, who had sold the same to Sudarshna Kumari vide sale deed dated 30.09.1974 and then Surdarshna Kumari further sold the same to the plaintiffs on 18.04.2022. The property consists of two shops existing since 1974. Plaintiffs are paying house tax, utility charges etc. and have not raised any fresh construction, inasmuch as the entire construction is old. The property in dispute is being used as commercial since long time. Plaintiffs were trying to make necessary improvements and repaired the property in dispute. However, defendants-respondents served a notice. Plaintiffs came to the Court and their application seeking temporary injunction has been rejected.

3. Vide order dated 12.10.2022, this Court had directed both the parties to maintain status quo regarding the possession.

4. Today, it is conceded by counsel for both the parties that the proceedings before the trial Court are going on and are at the stage of

plaintiffs' evidence. Counsel for the petitioners has undertaken that the petitioners will not raise any construction over the suit property till the pendency of the suit.

5. In view of the aforesaid specific undertaking, present petition is hereby disposed of with a direction to the parties to maintain status quo regarding the suit property till pendency of the suit before the trial Court.

6. It is contended by learned counsel for the respondents that the plaintiffs could have filed statutory appeal against the notice under Section 195 of the Punjab Municipal Council Act, but they did not avail the said remedy. The respondents will be at liberty to raise this contention before the trial Court concerned.

March 17, 2025

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**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No