



CR No. 5441 of 2025 (O&M) -1-

122 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 5441 of 2025 (O&M)  
DATE OF DECISION: 21.08.2025

ASHISH KUMAR VERMA

.....PETITIONER

Vs.

MADAN LAL AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Isha Goyal & Mr. R.P.Saini, Advocates,  
for the petitioner.

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AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'the CPC'), is for setting aside the impugned order dated 12.06.2025 (Annexure P-7), passed by the learned Additional District Judge, Rupnagar in CMA No. 46 of 2025, arising out of Civil Suit No. 61 of 2025 dated 06.03.2025, whereby the application filed by the petitioner seeking vacation of the *status quo* order passed by the learned Civil Judge (Junior Division), Nangal, during the pendency of the appeal, has been dismissed.

2. Brief facts of the case are that contesting respondent No. 1-plaintiff filed a suit for permanent injunction restraining defendant Ashish Kumar Verma-petitioner and others and their agents from interfering with or intermeddling in the peaceful possession of respondent No. 1-plaintiff and from illegally and forcibly dispossessing him from the suit property, as detailed in the plaint.



2.1 It was submitted that respondent-plaintiff had purchased a residential house, vide sale deed dated 04.08.2011, from Smt. Asha Rani, wife of Baldev Singh, and the construction pertains to the year 1960-61. When respondent-plaintiff started reconstruction, the petitioner-defendant filed a civil suit, which was dismissed, vide judgment dated 08.11.2024. The defendants also started reconstructing their house, but while doing so, they began dismantling the house of respondent-plaintiff by causing damage to the pillars. Despite the request of respondent-plaintiff not to damage his property, the defendants remained adamant on continuing construction, thereby causing damage to his house.

2.2 Along with the suit, an application under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC was also filed by respondent-plaintiff.

2.3 Notice of the suit was given to the defendants, who filed their written statement. Defendants No. 1 and 2 submitted that they are owners in possession of half share of plot No. 87, which they have transferred in favour of defendant No. 3, Ashish Verma (petitioner). Defendants No. 1 and 2 pleaded that they have no concern with the property of the plaintiff, but that the plaintiff is attempting to interfere with the peaceful possession of defendant No. 3-petitioner and to encroach upon his property. It was further stated in the counter-claim that the property was transferred in favour of defendant No. 3 Ashish Verma (petitioner) and his brother, Rai Ravinder Verma, vide transfer deed dated 16.09.2022, and that the same was earlier purchased by their father, vide sale deed dated 21.06.1982. A prayer was accordingly made for dismissal of the application filed by



respondent-plaintiff under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC and for allowing the counter-claim.

2.4 The learned lower Court, while deciding the application under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC, held that it is not in dispute that both parties, including defendant No. 3 Ashish Verma (petitioner), are having registered documents in their favour with respect to their respective residential houses, which are adjacent to each other and have specific dimensions. At the same time, the Court observed that both parties are alleging that, under the garb of renovation/reconstruction, the other is interfering with their peaceful possession. In such circumstances, when both parties are claiming right/possession over the disputed property where construction has been initiated by them, it would be in the fitness of things to direct both parties to maintain *status quo* with regard to construction over the suit property, and both parties were accordingly restrained from raising any further construction/renovation till further orders.

2.5 At the same time, it was held that, in order to adjudicate the dispute regarding the dimensions of both the properties, a Local Commissioner was appointed, who was directed to visit the properties in the presence of both parties and to submit a detailed report regarding the actual and factual position at the spot, by demarcating the area as well as the dimensions of the suit property as per the sale deed/transfer deed.

2.6 The aforesaid order was passed by the learned lower Court on 08.05.2025 (Annexure P-4). Aggrieved thereby, the petitioner Ashish Verma preferred an appeal before the Court of the Additional District



Judge, Rupnagar. After considering the rival contentions of the parties, the learned Additional District Judge, Rupnagar, vide order dated 12.06.2025 (Annexure P-7), held that the impugned order is not liable to be stayed, as the order dated 08.05.2025 (Annexure P-4) passed by the learned lower Court is a well-reasoned one.

3. Learned counsel for the petitioner has submitted that the impugned order dated 12.06.2025 (Annexure P-7), passed by the learned Additional District Judge, Rupnagar, has been erroneously passed, as the learned lower Court failed to appreciate that the dispute between the parties pertains merely to the common wall separating the houses of the petitioner and contesting respondent No. 1-plaintiff. It is contended that the order dated 08.05.2025 (Annexure P-4), passed by the learned lower Court, whereby construction/renovation of the petitioner's house has been stayed even within the premises, as well as the impugned order dated 12.06.2025 (Annexure P-7), whereby the application filed by the petitioner for vacation of the stay order has been dismissed, are contrary to the petitioner's lawful right to raise construction upon his own property, which is admittedly in a dilapidated condition. Accordingly, a prayer has been made that the impugned order dated 12.06.2025 (Annexure P-7) be set aside and that the *status quo* order dated 08.05.2025 (Annexure P-4), passed by the learned lower Court, be vacated.

4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents as it would delay the proceedings besides



entailing additional expense to the respondents.

6. After hearing learned counsel for the petitioner, this Court is of the considered opinion that the learned Civil Judge (Junior Division), Nangal, in its order dated 08.05.2025 (Annexure P-4), had categorically observed that both the parties are alleging that, under the garb of renovation/reconstruction, the other is interfering with their possession. The learned Civil Judge (Junior Division), in its wisdom, therefore directed the parties to maintain *status quo* with regard to construction over the suit property and restrained both the parties from raising any further construction till further orders. Further, in order to adjudicate the dispute regarding the dimensions of both the properties, the learned Civil Judge (Junior Division) appointed a Local Commissioner and directed him to submit a detailed report regarding the actual and physical possession at the spot by demarcating the area.

7. The learned Additional District Judge, Rupnagar, in its order dated 12.06.2025 (Annexure P-7), which is under challenge herein, also observed that since a Local Commissioner had already been appointed to visit the properties in question and to submit a detailed report regarding the actual and physical possession at the spot by demarcating the area, the order dated 08.05.2025 (Annexure P-4), passed by the learned Civil Judge (Junior Division), Nangal, is well justified.

8. Keeping in view the aforesaid facts and circumstances, this Court is of the view that the observations made by both the Courts below in their orders dated 08.05.2025 (Annexure P-4) and 12.06.2025 (Annexure P-7) are correct, inasmuch as it is the Local Commissioner who can visit



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the suit property and furnish a detailed report regarding the actual and physical possession of the parties. Thus, the learned Additional District Judge, Rupnagar, had rightly dismissed the application seeking vacation of the order dated 08.05.2025 (Annexure P-4), passed by the learned Civil Judge (Junior Division), Nangal.

9. Accordingly, this Court finds no merit in the prayer for setting aside the order dated 12.06.2025 (Annexure P-7), passed by the learned Additional District Judge, Rupnagar. Finding no illegality or perversity in the said order, the present revision petition, being devoid of merit, is hereby dismissed.

10. However, the learned Additional District Judge, Rupnagar, is directed to dispose of CMA No. 46 of 2025 expeditiously.

11. It is absolutely made clear that nothing observed hereinabove shall be construed as an expression of opinion either for or against the petitioner or the respondents, and the learned appellate Court shall adjudicate the matter wholly on the basis of the actual facts and evidence of the present case.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

**AUGUST 21, 2025**  
nitin

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes
Whether Reportable	No