



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

COCP-1609-2021

Date of Decision: 08.09.2025

Mahesh Kumar

.... Petitioner

Versus

Randhir Singh and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rakesh Bakshi, Advocate for the petitioner.

Mr. Vikas Kumar Sharma, Advocate for
Mr. Hemant Bassi, Advocate for respondent No. 1.

Mr. Jitender Singh, Clerk
for respondent No. 2-Department is present in person with
Mr. Priyavrat Parashar, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

1. The present petition has been filed alleging willful violation of interim order dated 09.02.2010 (Annexure P-3) passed by a co-ordinate Bench of this Court in RSA-3368-2009 titled as 'Prithvi Singh vs. Sumer Chand and others', whereby the parties were directed to maintain *status quo* over the property in dispute.

2. Learned counsel for the parties have admitted that the aforesaid second appeal bearing RSA-3368-2009, has been dismissed by a co-ordinate Bench of this Court vide order dated 20.08.2021 (Annexure R-1). Noticing the above facts, following order dated 19.04.2023 was passed by a co-ordinate Bench of this Court:-

“The petitioner alleges violation of the order dated 09.02.2010 passed in RSA-3368-2009, vide which, while issuing notice, the parties were directed to maintain status



quo over the property in dispute and the subsequent order dated 07.09.2012, vide which the stay order was directed to continue.

Brief facts of the case are that petitioner Mahesh Kumar along with one Sumer Chand filed a suit for permanent injunction against the respondents with regard to the plots in dispute, with a further prayer that the defendants should be restrained from interfering in their possession. The Civil Judge, vide judgment dated 05.11.2008, decreed the suit. Two separate appeals filed by defendant No.5 were dismissed on 21.05.2009. Thereafter, aforesaid RSA was filed by defendant No.5 Prithvi Singh.

Learned counsel for respondent No.1 submits that aforesaid RSA stands decided vide judgment dated 20.08.2021 (Annexure R-1), in which it is held that all 08 co-sharers have partitioned the property by allocating the plots, which fell to the share of each co-owner, as family partition took place in the year 1980 and in the light of the same, RSA was disposed of.

In view of the above, interim order, which merges into the final judgment, wherein an appeal was disposed of by observing that all 08 co-sharers are in separate possession of the property, therefore, this petition is disposed of having been rendered as infructuous.

At this stage, Mr. Rakesh Bakshi, Advocate, learned counsel for the petitioner appears and seeks some time.

List again on 17.08.2023.”

3. Learned counsel for the petitioner very fairly admitted the above said facts as ‘true’.
4. In view of the above, no further orders are required to be passed in the present petition, the same stands **disposed of**, accordingly.



5. At this stage, learned counsel for the petitioner submits that the petitioner may be permitted to take recourse to the appropriate remedy, as per law.

6. Permitted to do so.

7. Rule stands discharged.

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

08.09.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No