



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

288

**CR No.5436 of 2024 (O&M)**

**Date of Decision :29.07.2025**

**Vinod Kumar and another**

**.....Petitioners**

**Versus**

**Mayawati and others**

**..... Respondents**

**CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Abhinav Sood, Advocate and  
Mr. Vikram Singh, Advocate for the petitioners.

Mr. R.S. Budhwar, Advocate for respondents No.1 to 3.

**VIKRAM AGGARWAL, J. (Oral):**

The present revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 07.09.2024 (Annexure P-7), passed by the Court of Additional District Judge, Karnal, vide which the application filed by the petitioners-appellants under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short 'CPC') was dismissed.

2. A suit for permanent injunction (Annexure P-1) was filed by the present petitioners which was dismissed by the Court of Additional Civil Judge (Sr. Divn.), Indri (Karnal), vide judgment and decree dated 23.07.2024 (Annexure P-4).

3. Aggrieved by the aforesaid judgment and decree, an appeal (Annexure P-5) was preferred under Section 96 CPC. The appeal was accompanied by an application under Order 39 Rules 1 and 2 CPC



(Annexure P-6) for the grant of *ad interim* injunction.

4. Vide the impugned order dated 07.09.2024, the said application was rejected, leading to the filing of the present revision petition.

5. At the outset, learned counsel for the petitioners submits that during the pendency of the trial, status quo as regards possession had been ordered to be maintained and that since now, there are rival claims as regards possession, the First appellate Court too should have ordered the maintenance of status quo as regards possession.

6. Per contra, learned counsel representing respondent Nos.1 to 3 submits that there is no illegality in the impugned order and that a categorical finding was returned by the trial Court that the petitioners are not in possession of the suit property, as a result of which, the suit was not maintainable.

7. Concededly, during the pendency of the trial, the parties had been directed to maintain status quo as regards possession. Still further, the suit filed by the petitioners/plaintiffs was dismissed against which the petitioners/plaintiffs filed an appeal, which is pending. It has to be borne in mind that the First Appellate Court is the last Court of facts. Once an order of status quo was passed by the trial Court and the judgment of the trial Court is under challenge before the First Appellate Court and when there are rival claims as regards possession, it would be desirable that the parties are directed to maintain status quo as regards possession.

8. In view of the above, the present revision petition is disposed



of with a direction that during the pendency of the appeal, the parties shall maintain status quo as regards possession. The First Appellate Court is also requested to expeditiously hear and decide the appeal.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**29.07.2025**

*Manoj Bhutani*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No