

(2000) 09 P&H CK 0053

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 3896 of 2000

Ram Singh

APPELLANT

Vs

Jaggar Singh

RESPONDENT

Date of Decision: Sept. 15, 2000

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 39 Rule 1

Citation: (2001) 3 CivCC 397 : (2001) 2 CivCC 218 : (2000) 4 RCR(Civil) 637

Hon'ble Judges: R.L. Anand, J

Bench: Single Bench

Advocate: Arihant Jain, for the Appellant;

Final Decision: Dismissed

Judgement

R.L. Anand, J.

This is a civil revision and has been directed against the order dated 29.7.2000 passed by the Court of Additional Civil Judge (Senior Division), Sunam, which gave the direction to the police to ensure the compliance of order dated 4.12.1999 passed in Civil Suit No. 238 of 1999 titled Jaggar Singh v. Ram Singh, forthwith.

Some facts can be noticed in the following manner:

Civil Suit No. 238 of 1999 was filed by Jaggar Singh against the present Petitioner Ram Singh with respect to certain agricultural land fully described in the head-note of the plaint. The suit was for permanent injunction. Along with the suit, the Plaintiff tiled an application under Order 39 Rules 1 and 2 CPC that during the pendency of the suit the Defendant be directed not to interfere in his possession over the suit land except in due course of law. On this application directions were given to the Defendant not to disturb the possession of the Plaintiff over the suit land.

2. The case set up by the Plaintiff is that on 23.12.1999 the present Petitioner and his sons started irrigating the suit land by use of force compelling the

Plaintiff-Respondent to file an application under Order 39 Rule 2A CPC. Notice of the application was given to the Respondent, who resisted the application and submitted that a compromise has been effected between the parties with the intervention of the Gram Panchayat and according to that compromise the Plaintiff-Respondent has relinquished his possession over the suit land voluntarily and since then the same is in the possession of the Defendant-Petitioner who has sown his crop in the suit land and, therefore, no police help can be provided to the Plaintiff-Respondent whose application under Order 39 Rules 1 and 2 CPC has become infructuous.

3. After hearing the learned Counsel for the parties and for the reasons given in para No. 8 of the order, the learned trial Court came to the conclusion that there is violation of the order dated 4.12.1999 on the part of the present Petitioner and, therefore, the police help should be provided to the Respondent for the implementation of that order. Aggrieved by that order, the present revision by the Defendant.

4. I have heard Mr. Arihant Jain, Advocate, on behalf of the Petitioner and with his assistance have gone through the record of the case. I am of the considered opinion that this revision is without any merit and deserves to be dismissed in limine.

5. The learned Counsel for the Petitioner wanted to convince this Court that the Respondent by virtue of compromise has relinquished the possession of the suit land voluntarily. I do not subscribe to the contention raised by the learned Counsel for the Petitioner. It is proved prima facie on the record that the parties are at daggers drawn. A person who is armed with an injunction granted by the Civil Court will not like to relinquish his possession especially from the land which is very dear to a farmer. There is no prima facie satisfactory proof at the moment from which I am convinced that Jaggar Singh voluntarily relinquished his possession over the suit land after the receipt of any consideration. If a person with muscle applies force and tries to dislodge a person whose possession has been protected by a Civil Court, then what would happen to this society. The Civil Courts are quite strong and they can pass any order which is necessary in the interest of justice. The direction given by the Civil Court for the execution of the order dated 4.12.1999 is perfectly in order. Thus I find no merit in this petition and the same is hereby dismissed.