

Veer Davinder Singh & others Vs Pavittar Singh & others
CNR No.PBSM02-000834-2022 CS-658-2022

Present:- Shri Pawan Sharma Advocate counsel for the
applicant/ plaintiff.

Suit received by way of entrustment. Report of Reader seen.
As per report of COC, no caveat has been filed in this case. It be
registered.

Along with the suit an application under order 39 rule 1 & 2
read with section 151 CPC has also been filed. Heard. It is submitted by
the counsel for the applicant/plaintiff that applicant/plaintiff filed suit for
mandatory injunction for directing the defendants to give Pahi which is
running in the land measuring 13 Killas 1 Kanal and 8 Marla having
Khewat no. 572, Khatauni no.1095, Land is situated at village Sotha,
Tehsil and District Sri Muktsar Sahib. It is further stated that in the above
said suit the defendants appeared in this court and they gave statement in
the Lok Adalat on dated 14.09.2018 and they given statement that they
have left the Pahi for the plaintiffs and plaintiff Veer Davinder Singh and
Mukhtiar Singh will have right to use the same. It is further stated that in
this way due to compromise in the lok Adalat, that suit was decided on
dated 14.09.2018. It is further stated that now the defendant did not agree
with the plaintiff and they are not allowing the plaintiffs to use the said
Pahi and in this way the defendants are disobeying the order passed by
this court and the defendants wants to interfere into the suit property
which they have not right. It is further stated that the plaintiffs have
requested number of times not to take law into their hands but the
defendants always linger on the matter with one or other excuses, and two
days back the defendants flatly refused to accept the request of the
plaintiff. Hence this application. Hence, ld. Counsel for plaintiff/applicant
prayed that application may be allowed and ad-interim injunction be
granted. Arguments heard. Documents perused. The application is
supported by duly sworn affidavit. The applicants are claiming that they
are in peaceful possession and use of the pahi as detailed in head note of
the plaint and the respondents are illegally dispossessing them from it.

The court is of the opinion that the applicants may suffer irreparable loss if ad-interim injunction will not be granted. Therefore from perusal of these documents and submissions a prima facie case is made out in favour of the applicant and balance of convenience also lies in her favour. If the application will not be allowed it will cause an irreparable loss to the applicant. The respondents are further restrained from dispossessing the applicant from above mentioned land, illegally and forcibly except in due course of law till 17.10.2022.

Compliance under order 39 rule 3 CPC be made, failing which, order of stay will stand automatically vacated. Notice of the said suit and application be given to the defendants for 17.10.2022.

Date of Order :06.10.2022
(Geeta)

Supreet Kaur
Civil Judge(Junior Division)
Sri Muktsar Sahib
UID No. PB0603