

CR-6859-2024 (O&M)

[1]

2026:PHHC:073065



330

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

CR-6859-2024 (O&M)
Date of decision: 11.05.2026

Raj Kumar

...Petitioner

Versus

Satish Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Tejaswini, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 21.09.2024 (Annexure P-4) passed by the Civil Judge (Junior Division), Bhiwani, whereby the application filed by the petitioner/plaintiff seeking police help to implement the order of injunction, has been dismissed.

ARGUMENTS ON BEHALF OF THE PETITIONER:-

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner was tenant of the premises in question and also had a rent note dated 14.05.2018 in his favour showing that the petitioner is the tenant. It is submitted that when respondent intended to take forcible possession, the petitioner had filed the present suit for permanent injunction and along with the said suit, had filed an application for temporary injunction under Order 39 Rules 1 and 2 CPC. It is submitted that the trial Court, vide order dated 19.08.2021 had granted injunction in favour of the petitioner. It is



further submitted that in order to enforce the said injunction order, the petitioner had filed an application for grant of police help. It is submitted that the order dated 19.08.2021 has attained finality as no notice of any appeal against the said order has been received on behalf of the petitioner. It is further argued that the trial Court, however, vide order dated 21.09.2024, had dismissed the said application by primarily observing that the petitioner-plaintiff had other alternative remedy under Order 39 Rule 2A of CPC and thus, application was not entertained. It is submitted that the said observations made by the trial Court are in violation of law laid down by the Coordinate Bench of this Court in the case of **Ishwar and others Vs. Asha Ram and others** reported as **2015(3) PLR 578** as well as in the case of **Ashish Munjal Vs. Ashok Kumar and another** reported as **2020(4) RCR (Civil) 544**. It is submitted that the impugned order be set aside and the application filed by the petitioner be allowed.

3. Notice of motion was issued in the present case on 26.11.2024 and in spite of service, none had appeared on behalf of the respondent. The said fact was also recorded on 29.04.2026, on which date, this case was adjourned to 11.05.2026 i.e., today for arguments. Even today, no one has appeared on behalf of the respondent to oppose the present petition.

ANALYSIS AND FINDINGS:-

4. This Court has heard learned counsel for the petitioner and has perused the paper book.

5. The petitioner-plaintiff had filed a suit for permanent injunction. Along with the said suit, an application for temporary injunction was also filed and the trial Court vide order dated 19.08.2021 (Annexure P-5 filed



along with CM-22492-CII-2025), was pleased to allow the said application under Order 39 Rules 1 and 2 CPC and had restrained the defendant from interfering in the peaceful possession of the petitioner or from taking forcible possession and from causing any hindrance or obstacle in the enjoyment of the petitioner as tenant over the suit property except in due course of law, till final disposal of the suit. While passing the said injunction order, the fact that there was a rent agreement dated 14.05.2018 in favour of the petitioner, signatures on which were not denied by the respondent, was taken into consideration. Relevant portion of the order dated 19.08.2021 is reproduced hereinbelow:-

“5. Heard learned counsel for parties and perused the records. Learned counsel for parties contended in lines with their respective pleadings. This court on consideration of pleadings, application under Order 39 Rule 1 & 2 of the Code and concerned records on file is of view that subject application deserves to be allowed for following reasons:

Firstly, as per copy of rent agreement dated 14-05-2018 on records, parties to the suit entered in to rent agreement qua the suit property wherein the suit property given on rent @ Rs. 3000/- per month w.e.f. 11-01-2018 with advancement of Rs. 1,08,000/- as security to the respondent. No period of tenancy agreed between parties. Bare perusal of said rent agreement shows purchase of stamp paper by the respondent himself. The agreement also bears signatures of the respondent to which no specific denial. The matter of the agreement to be in pretext of advancement of amount of money or for the real purpose of running business remained matter of evidence. But from said rent agreement, the applicant is prima facie tenant over the suit property & so his possession



over the same also presumed. To the contrary, the respondent neither denied his signatures over the agreement nor denied receipt of advance security as well as rent of the suit property from the applicant specifically. The respondent though averred that suit property is not owned by the respondent but by his father Bhoop Singh but no prima facie proof of that brought before the Court. Thus, under such factual matrix of the case, to my mind the applicant-plaintiff has prima facie case in his favour.

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6. In view of aforesaid discussions and reasons, the present application is allowed. Accordingly, the respondent-defendant is temporarily restrained from interfering into peaceful possession of, taking forcible possession over and causing any hindrance or obstacle in enjoyment of the plaintiff as tenant over the suit property except in due course of law, till final disposal of the suit. Further, nothing said and contained herein shall have bearings on the merits of the case. Announced in open Court.”

6. It is the case of the petitioner that the said order is still in operation. None has appeared on behalf of the respondent to rebut the said aspect. Moreover, a perusal of the impugned order also shows that there is no observation to the effect that the said order has been set aside.

7. The petitioner, in order to enforce the said order, had moved an application for police help. The said application has been dismissed by the trial Court for the following reasons:-

“7. On the perusal of the case file, this court is of the considered view that the plaintiff is not entitled to the police help on the other ground that the plaintiff is having an efficacious remedy provided by law. In case the defendants are



not complying with the injunction order of the court then under these circumstances, the plaintiff can initiate legal action against the defendants, in view of Order 39 Rule 2A of the Code of Civil Procedure, 1908. So, at this stage it cannot be concluded that the plaintiff is in a helpless situation.

8. Moreover, the plaintiff is also not entitled to police help on another ground that if the police help is granted that would require the continuous supervision by the police of the existing state of affairs of the suit property. This seems unfeasible and impractical for the police to continuously supervise the suit property at this stage of the case.

9. Therefore, this court is of the considered view that the application in hand is devoid of any merits. Resultantly, this application stands dismissed.”

8. The observations made in the impugned order are against settled law.

9. A Coordinate Bench of this Court in the case of ***Ishwar and others*** (Supra) had observed that there was a distinction between punitive action to be taken resulting from breach of an order passed by the Court and enforcement of the said order and that every person was duty bound and under obligation to comply with the order passed by the Court and no one could be permitted to take law in his own hands and the Court has inherent powers to come to rescue of a person who, in spite of an order of injunction in his favour, was being threatened so as to violate the said order and that the Court had inherent power to grant police help to prevent violation of the interim injunction or to enforce an injunction order. It was observed that the Court is not to wait till the time injunction is actually violated and the application under Order 39 Rule 2A CPC is finally decided, as sanctity of the



orders of the Court has to be maintained. Relevant portion of the said judgment is reproduced hereinbelow:-

“4.The application seeking police help to protect the possession was filed by the petitioners as their possession was sought to be interfered with. The same was declined by the learned court below by passing a cryptic order. This court had opined that where found appropriate, police help should be granted to enforce an injunction order. It had further been opined that it would be a total misconstruction of the provisions of the Code of Civil Procedure to hold that in case an injunction order has been passed in favour of a party, he should wait till such time the same is flouted and then adopt the procedure provided under Order 39 Rule 2A CPC. There is a distinction between punitive action resulting from breach of an order passed by the court and enforcement of the order. Every person is duty-bound and under obligation to comply with and/or ensure compliance of the order passed by the court, unless varied or set aside. No one can be permitted to take law in his own hands and violate the orders passed. The courts having inherent powers should come to the rescue of a person, who in spite of an order of injunction is being threatened with forcible dispossession in violation of the order. The court under its inherent power can very well grant police help to prevent violation of the interim injunction.

5. In the case in hand, the stand of the petitioners is that despite interim injunction granted by the trial court restraining the respondents defendants from interfering into their cultivating possession of the suit land, which was upheld by the learned lower appellate court, **their possession was being interfered with by the respondents.** The stand of the respondents is that in fact, the land is shamlat. There are 786 co-sharers. **They are not interfering in the possession of the**



petitioners. Be that as it may, the grievance of the petitioners is that their possession, which has been directed to be protected by the courts below, vide interim injunction order passed in their favour, is sought to be disturbed. The court is not to wait till such time the injunction is violated and the party in whose favour the order has been passed is pushed to the wall only letting him to file application under Order 39, Rule 2A CPC seeking punishment for violation of the injunction order. Sanctity of the orders of the court has to be maintained. They are meant to be complied with in true letter and spirit. Any one aggrieved can avail of appropriate remedy against the order. Once it is final, none can be allowed to question the same by taking law into his own hands.

6. For the reasons mentioned above, the present petition is allowed. The impugned order passed by the court below is set aside. The application filed by the petitioners seeking police help to protect their possession on the suit property is allowed. Petition allowed.”

10. Similarly, another Coordinate Bench of this Court in the case of **Ashish Munjal (Supra)** had observed that merely because an aggrieved party has right to file an FIR or has a locus to file an application complaining violation of the interim order under Order 39 Rule 2A CPC, the aggrieved party would not be debarred from filing an application for grant of police help. It was further observed that the jurisdiction under Order 39 Rule 2A CPC is for punishment and the same cannot debar the Court which granted injunction to pass appropriate orders in the facts of the case. The relevant portion of the said judgment is reproduced hereinbelow:-

“8. This Court has heard learned counsel for the parties and with their able assistance, gone through the documents filed. A Civil Court has the jurisdiction to get its interim orders



implemented. Merely because aggrieved party has filed an FIR or has a locus to file application complaining violation of interim order, does not debar the aggrieved party to file an application for grant of police help.

9. Hence, the learned Trial Court erred in dismissing the application on the ground that defendant-petitioner has filed FIR and has a remedy complaining violation under Order 39 Rule 2-A CPC. The aforesaid jurisdiction is for punishment, however, it does not debar the Court which granted injunction to pass appropriate orders in the facts of the case.”

11. The law laid down in the abovesaid judgments would apply on all fours, in the present case.

12. Keeping in view the abovesaid facts and circumstances, the present revision petition is allowed and impugned order dated 21.09.2024 is set aside and the application filed by the petitioner (Annexure P-3) is allowed.

13. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

11.05.2026
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No