

**Om Parkash and Others Vs. Om Parkash and Others**

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**SooperKanoon Citation :** [sooperkanoon.com/1136526](http://sooperkanoon.com/1136526)

**Court :** Punjab and Haryana

**Decided On :** Apr-01-2014

**Appellant :** Om Parkash and Others

**Respondent :** Om Parkash and Others

**Judgement :**

CR23862014(O&M) 1 110 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Date of decision:01/04/2014.

Om Parkash and others .....Petitioners v.

Rambir and others .....Respondents CORAM: HON'BLE MR.JUSTICE JASWANT SINGH Present:- Mr.D.S.Rajput,Advocate for the petitioneRs.Jaswant Singh,J.(Oral) Plaintiffs are in revision under Article 227 of the Constitution assailing the order dated 13.3.2014 (P-4) passed by the learned District Judge, Jhajjar whereby miscellaneous appeal filed by the defendants has been allowed and the order dated 31.8.2012 (P-3) passed by the learned Trial Court granting temporary injunction under Order 39 Rules 1 and 2 CPC has been set aside.

Learned counsel for the petitioners/plaintiffs has argued that the learned District Judge has wrongly recorded that the documents regarding Resumption order obtained by the defendants were not looked into by the Trial Court since the same were not on record.

Therefore, he submits that the impugned order dated 13.3.2014 (P-4) is liable to be set aside and the Trial Court order granting temporary injunction be restored.

Having heard learned counsel for the petitioners/plaintiffs and perusing the impugned order and the paper book, this Court finds no merit in the present revision petition.

Plaintiffs/ petitioners have filed a suit for declaration that they have become owners in possession of the suit land, fully described in the plaint, as defendants had failed to redeem the suit land, which was mortgaged by their predecessors-in-interest on 1.1.1937 in Joshi Rajinder Prashad 2014.04.01 16:17 I attest to the accuracy of this Order.

High Court, Chandigarh.

CR23862014(O&M) 2 110 favour of predecessors-in-interest of the plaintiffs.

It has come on record that after the filing of the suit on 13.1.2010, defendants filed an application for Redemption of the suit land on 22.2.2010 before the Assistant Collector 1st Grade, Jhajjar and the same was allowed on 9.5.2011.

It is conceded that the notice of the redemption proceedings was duly given to the plaintiffs by Assistant Collector 1st Grade, Jhajjar and the plaintiffs have challenged the said Redemption order dated 9.5.2011 before the competent authority.

It is further borne out that the defendants have been delivered possession on 31.8.2011 on their application for execution of the Redemption order.

Although it was sought to be argued that the learned Trial Court vide order dated 31.8.2012 had directed not to oust the plaintiffs from the suit land, however, the same cannot be construed that they could not be ousted by due process of law as has been done in the present case through the process of Executing Court.

In view of the above, no case for interference is made out in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution.

Dismissed.

01.04.2014 (Jaswant Singh) joshi Judge Joshi Rajinder Prashad 2014.04.01 16:17

I attest to the accuracy of this Order.

High Court, Chandigarh.

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