

CIS No. CS/6615/2018

Present: Sh. H.S. Chauhan, Adv counsel for plaintiff.

Suit received by entrustment. Report of reader seen. It be registered. Along with the main suit, the plaintiff has filed an application under Order 39 Rule 1 and 2 CPC read with section 151 CPC.

Brief facts of the application are that plaintiff has filed the suit for permanent injunction restraining the defendants from interfering or forcibly entering/inter-meddling into peaceful, physical, actual and exclusive possession of the plaintiff in respect of plot no. 94, ad-measuring 250 Sq. Yds, Length 75 ft., Width : 30 ft., Bounded as : Est : Plot of Amarjit Kaur, West : Road 25 ft., North : Plot No. 93 of Surinder Pal, Kulwant Rai sons of Des Raj, South : Agriculture land of others, Khasra No. 464 min, area situated at Sultanwind Sub-urban Mahal, Tehsil and District Amritsar in any manner whatsoever may be, owned and possessed by plaintiff, also known as Riamond Avenue, Daburji Link Road, Amritsar. The documents i.e. original photocopy of General Power of attorney dated 17.04.1995, Copy of sale deed dated 30.11.1995, copy of sale deed dated 04.09.1997, copy of sale deed dated 28.11.2018, site plan, photocopy of complaint dated 03.11.2018, photocopy of complaint dated 12.11.2018, photocopy of postal receipt with regard to complaint dated 11.12.2018, photocopy of plaintiff's Attorney and of the suit property, photocopy of adhar card of Ruchi Aggarwal bearing no. 6971 5217

3086, photocopy of adhar card of Kapil Aggarwal bearing no. 7359 4081 0713, jamabandis, photocopy of power of attorney dated 17.08.2006 produced on record.

Heard. Record perused. Plaintiff has produced on record documents i.e. original photocopy of General Power of attorney dated 17.04.1995, Copy of sale deed dated 30.11.1995, copy of sale deed dated 04.09.1997, copy of sale deed dated 28.11.2018, site plan, photocopy of complaint dated 03.11.2018, photocopy of complaint dated 12.11.2018, photocopy of postal receipt with regard to complaint dated 11.12.2018, photocopy of plaintiff's Attorney and of the suit property, photocopy of adhar card of Ruchi Aggarwal bearing no. 6971 5217 3086, photocopy of adhar card of Kapil Aggarwal bearing no. 7359 4081 0713, jamabandis, photocopy of power of attorney dated 17.08.2006 to establish his possession. Thus, a prima facie case is made out in favour of the applicant/plaintiff and in case relief claimed is not granted the very purpose of the suit will be defeated and plaintiff/applicant shall suffer any irreparable loss. Even the balance of convenience also lies in favour of the applicant/plaintiff. Therefore, the present application is hereby allowed and defendants are restrained interfering or forcibly entering/inter-meddling into peaceful, physical, actual and exclusive possession of the plaintiff in respect of plot no. 94, ad-measuring 250 Sq. Yds, Length 75 ft., Width : 30 ft., Bounded as : Est : Plot of Amarjit

Kaur, West : Road 25 ft., North : Plot No. 93 of Surinder Pal, Kulwant Rai sons of Des Raj, South : Agriculture land of others, Khasra No. 464 min, area situated at Sultanwind Sub-urban Mahal, Tehsil and District Amritsar, without adopting in due course of law till the date fixed.

Compliance of the order 39 Rule 1 and 2 CPC be made immediately. It is made clear that in case of non-compliance, exparte stay of the plaintiff would be vacated automatically. Let, notice of suit and the stay application be served upon the defendant through ordinary process as well as registered post for 19.12.2018 on filing PF/RC/Ads etc. Plaintiff is directed to furnish draft summons of the defendant with verified particular and copies of plaint and the stay application. Dasti summons for the service of the defendant be given, if so desired.

(Rajbir Kaur),
CJJD: Amritsar
(UID No. PB0496)

Date of order: 05.12.2018
(Arun Kumar, Stenographer G-III)
Purpose:
Next date: