

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5716 OF 2008
[Arising out of SLP(C)No.2617 of 2007]

DHARAM SINGH

Petitioner(s)

VERSUS

SEWA SINGH & ORS.

Respondent(s)

ORDER

Leave granted.

This appeal is directed against the order passed by the High Court of Punjab and Haryana in the Revisional Application filed by the respondent No.1 herein praying for grant of police held to enforce an order of injunction, which had been passed in the suit filed by him in respect of the suit property. In the said order of the High Court, mention has been made in respect of a suit in which an order of status quo had been passed. Despite noticing the order of status quo the High Court was of the view that it was the duty of the court to enforce the order of

injunction which had been passed subsequently.

It may be mentioned that in the suit filed by the respondent no.1, in the application for temporary injunction or even at the time of hearing of the said application, the order of status quo, which had been passed in the appeal filed by the appellant herein was not mentioned or considered. Inasmuch as, the order of status quo was already in place, there was no necessity of passing a specific order of injunction in the suit filed subsequently. Once the order of status quo which was subsisting when the subsequent injunction order was passed, was brought to the notice of the High Court, the same ought to have been given due regard while issuing the impugned order. Since the respondent No.1 claims to be in possession of the suit property, the order of status quo passed in the earlier suit would cover him in the suit filed by him as well.

Accordingly, we modify the order of injunction passed in the suit filed by respondent No.1, and direct the parties to maintain status quo with regard to the

JUDGMENT

possession of the suit property until further orders that may be passed by the trial court.

The appeal is allowed to the aforesaid extent.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKANDEY KATJU)

NEW DELHI;
September 15, 2008.

