

IN THE HIGH COURT OF HIMACHAL PRADESH  
AT SHIMLA

**CMPMO No. 163 of 2004.**

Date of Decision: 31<sup>st</sup> July, 2006.

Anup Kumar and others.    Petitioners.

## Versus

Satish Kumar and others. Respondents.

Coram

The Hon'ble Mr. Justice V.K.Gupta, C.J.

Whether approved for reporting<sup>1</sup>?

For the petitioners: Mr. Ajay Sharma, Advocate.

For the respondents: Mr. Ashwani Sharma, Advocate.

V.K.Gupta, C.J. (Oral) .

As this petition came up for consideration today, the learned counsel for the parties submit that status quo as existing on date with respect to the nature and possession of the property forming the subject matter of the suit as well as the construction raised thereupon be maintained until the disposal of the suit pending in the trial Court.

The petition is disposed of.

It is directed that the parties shall maintain status quo as existing on date with respect to the nature and possession of the property forming the

subject matter of the suit as well as any construction raised thereupon, until the disposal of the suit in the trial Court.

CMP No.120 of 2005.

This application has been filed by the respondents-applicants alleging that the petitioners have violated the status quo order passed by this Court on 9<sup>th</sup> June, 2004. Along with this application, five photographs have been annexed which have been marked as Annexure A-2 collectively. Other documents have also been filed along with this application. Reply to this application has been filed by the petitioners. The petitioners have also along with the reply annexed a document.

On perusal of the application and the accompanying documents, including the photographs as well as the reply filed thereto by the petitioners and the accompanying document, I find that this application cannot be disposed of without recording the evidence of the parties. I accordingly direct that this application shall stand transferred to the learned trial Court. The Registry shall send the application, documents and its reply along with its document to the learned trial Court. The trial Court is directed to record evidence in the matter

and ultimately to dispose of the application on its merits and in accordance with law. It goes without saying that if, while disposing of the application, the trial Court finds that the petitioners herein have in any manner violated or dis-obeyed the status quo order passed by this Court, all the consequences shall follow. The trial Court shall take all possible steps to dispose of this application very very expeditiously.

The record be sent back to the trial Court where the parties through their learned Counsel are directed to appear on 29<sup>th</sup> August, 2006.

CMP No.246/2004 & CMP No.170/2005.

In view of the order passed in the main petition, both the applications shall stand disposed of.

31<sup>st</sup> July, 2006.  
(tr)

(V.K. Gupta), C.J.