



contends that pursuant to that judgment present plaintiff was tried and honorably acquitted by the trial court. Thereafter plaintiff has filed plaint seeking declaration with regard to in question property. Learned counsel for respective parties are not in dispute with order passed in ABN will not in any manner preclude the plaintiff to file suit for declaration.

2. In contra learned counsel for defendant contends that in question properties are open plots and only used for amenity purpose though same are commercial plots but they have not yet allotted the same.

3. Under these circumstances, *lis* will be decided on merits after leading of evidence, contempt application and application under Order XXXIX rule 1 and 2 are disposed of with direction to the defendant No.3 to maintain status quo. They would be competent to utilize subject matter property/plot only for amenities and welfare of society.

2. At this juncture learned counsel for plaintiff refers order dated 27.08.2021 passed in CP No.S-853/2019 which speaks that: grievance of the petitioner has been redressed as petitioner has approached the SHO concerned. SHO concerned present undertakes that he will not interfere with the civil dispute of parties. His attendance is dispensed with.

**J U D G E**