

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 1009 of 2013 (O&M)

Date of Decision: 06.04.2015

Sushil Kumar and another

.....Petitioners

Vs.

M/s Metro Polis Retailers Pvt. Ltd., and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sachin Mittal, Advocate,
for the petitioners.

Mr. Harbhagwan Singh, Senior Advocate, with
Ms. Dilraj Kaur, Advocate,
for the respondents.

SABINA, J.

Petitioners have filed this petition challenging the orders dated 30.05.2011 and 10.01.2013.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioners have filed suit for declaration with consequential relief of permanent injunction. Along with the suit, petitioners filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (in short 'CPC') for temporary injunction. Vide the impugned orders, the said application was dismissed. Hence, the present petition.

Case of the Petitioners is that their father Bishan Dass was inducted as a tenant qua the land in question in the year 1965. However, after the death of their father Bishan Dass, petitioners had come in

possession of the suit property as tenants. On the other hand, case of the defendants was that they had purchased the suit property and vide sale deeds dated 24.05.2006, mutation had been sanctioned in favour of the defendants on the basis of the said sale deeds. Entries in the *khasra girdawari* had been corrected in favour of the defendants qua possession.

Since at this stage, as per the entries in the *khasra girdawari* , the defendants were shown to be in possession of the suit land and the petitioners had *prima facie* failed to rebut the said entries, the Courts below rightly held that the petitioners had no *prima facie* case or balance of convenience in their favour for grant of relief of temporary injunction.

No ground for interference is made out.

Dismissed.

(SABINA)
JUDGE

April 06, 2015
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