

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(250)

CR No.139-2015

Decided on: April 21, 2015.

Lovejit Singh

.... Petitioner

Versus

Tarlochan Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Bansal, Advocate,
for the petitioner.

None for the respondent.

M.M.S. BEDI, J (ORAL)

No one has put in appearance on behalf of the respondent despite service. So, he is proceeded against ex parte.

This is plaintiff's revision petition. He has filed a suit for injunction restraining the defendant from forcibly dispossessing him from the shop in dispute claiming that he was in peaceful enjoyment and possession of the shop as a tenant. On the basis of his possession, he has been granted interim injunction but the lower Appellate Court has vacated the interim injunction order granted by the trial Court on the ground that he had not come to the Court with clean hands as he having entered into an agreement on 21.06.2014 admitting to vacate the shop in dispute within six months had sought injunction by suppressing the fact that he had given an undertaking to vacate the shop.

I have heard learned counsel for the petitioner and gone through the order passed by the lower Appellate Court and I am of the opinion that the possession of the plaintiff-petitioner, prima facie is apparent on the record but his right to continue in possession on account of his agreement dated 21.06.2014 is disputed. He is entitled to retain the possession unless dispossessed by due process of law or pursuant to the performance of the agreement dated 21.06.2014.

The revision petition is allowed. The order passed by the Appellate Court is set aside and it is ordered that the petitioner will not be forcibly dispossessed, however, he can be dispossessed in accordance with law or by enforcement of the terms of the agreement dated 21.06.2014 during pendency of the suit.

Nothing said in this order will prejudice the rights of the parties at the time of decision of the case finally. It will be open to the trial Court to dismiss the suit of the plaintiff-petitioner on the ground that he had not come to the Court with clean hands. It is also expected that the trial Court will decide the suit within a period of six months.

(M.M.S. BEDI)
JUDGE

April 21, 2015
harsha