

In the High Court of Punjab and Haryana at Chandigarh

CR No.1467 of 2015

Date of decision: 02.03.2015

Kuldeep Kumar

.....Petitioner

Versus

Naresh Kalra

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.Ashdeep Singh,Advocate
for the petitioner.

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SABINA, J

Petitioner has filed this petition challenging orders dated 9.7.2014 (Annexure P4) and 28.11.2014 (Annexure P1).

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

Petitioner has filed the suit for permanent injunction restraining the respondent-defendant from interference in his peaceful possession qua plot No.110 measuring 190.66 square yards in Khasra No. 70//27, situated within Mouza Jagadhari, Mosuma,Rajesh Nagar Colony, Jagadhri Tehsil Jagadhri District Yamuna Nagar. The case of the petitioner was that he had taken the property in question on lease from Smadh Nanu Singh for 70 years with effect from 1.3.2012. Petitioner also filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure,1908 seeking relief of temporary injunction. The said application was dismissed by the trial Court vide order dated 9.7.2014 (Annexure P4).

The order passed by the trial Court was upheld in appeal vide the

impugned order dated 28.11.2014 (Annexure P1). Hence, the present petition.

The Courts below, while dismissing the application moved by the petitioner for temporary injunction, have held that the plaintiff was claiming that the suit property was bearing Plot No. 110 comprised in Khasra No. 70//27. However, Jagat Singh and others had filed a civil suit against the respondent, decided on 18.4.2007, bearing No. 127-CS and they had claimed possession qua plot forming part of khasra No. 70//27. In the said suit, respondent-present defendant had filed counter claim and had claimed ownership and possession qua plot measuring 440 square yards measuring 66x60 feet comprised in khasra No. 69//35 on the basis of lease deed dated 15.4.1992. In the said suit, counter claim filed by the present defendant was allowed and it was held that Khasra No.70//27 adjoined Khasra No. 69//35 and plot by the present defendant fell on the southern side of the property encroached by the plaintiff. Execution proceedings in the said civil suit were pending. In these circumstances, the Courts below rightly held that the application filed by the petitioner for interim injunction was liable to be dismissed as, in the earlier suit, possession of the present defendant qua the plot in question was upheld. Hence, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 02, 2014