

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

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**CR-2043 of 2014 (O&M)
Date of Decision:04.09.2015**

Hoshiar Singh

... Petitioner

Versus

Mahipal and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Pratibha Yadav, Advocate
for respondents No.1, 3, 4 and 5.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed order dated 01.11.2013 passed by Civil Judge (Junior Division), Mahendergarh vide which application for providing Police help was dismissed.

In a suit for permanent injunction, an order under Order 39 Rules 1 and 2 CPC was granted in favour of plaintiffs. At the stage for granting temporary injunction, the case has to be tested on the threshold of prima facie case, balance of convenience and irreparable loss in the event of non-grant of temporary injunction. Since civil cases are to be decided on the basis of preponderance of probabilities, therefore, preponderance of probability at the stage of grant of temporary injunction is also a probability which cannot be crystallized in the form of evidence at the instance of the Court. In reply to the application, the stand of the respondents is that they had not visited the suit land, neither any particular incident has been reported to the Police highlighting any violation of the order nor the

manner in which alleged interference is made is forthcoming.

In considered opinion of this Court, since the suit is at the stage of evidence, no Police help can be granted for enforcement of interim relief as the case may not be construed to be an effort to create evidence in favour of any of the parties.

Dismissed.

September 04, 2015
prince

(RAJ MOHAN SINGH)
JUDGE