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

CR No.2929 of 2015

Date of decision: April 30, 2015

Satpal (since deceased) through LR's and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the orders dated 29.11.2011 and 07.03.2015.

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

Satpal (since deceased) and petitioner No.2 had filed suit for declaration and permanent injunction. Alongwith the suit, an application for temporary injunction was filed that the attached land of the petitioners, be not auctioned. Trial Court vide order dated 29.11.2011, dismissed the application for temporary injunction. The said order was upheld in appeal by the Appellate Court vide order dated 07.03.2015. Hence, the present petition.

The case of the petitioners was that the land belonging to the petitioners had been attached, although, no assessment order had been served on them.

The case of the respondent, on the other hand was that in fact, an amount of ₹6,00,05,517/- was due against the petitioners. Petitioners had agreed to deposit the said amount by way of monthly installments to the tune of ₹2,00,000/-. However, petitioners, after depositing two installments, failed to clear the remaining installments. It has been noticed by the trial Court that from the evidence on record, it was clear that the petitioners had failed to accept notice and had failed to pay the dues on one pretext or the other. Consequently, land belonging to the petitioners was attached in the year 2003, but despite the said fact, they had failed to deposit the amount in question. Petitioners had also failed to pay the installments qua the due amount as per their request. In these circumstances, the Courts below had rightly held that there was no prima facie case or balance of convenience in favour of the petitioners for grant of ad-interim injunction.

Dismissed.

**(SABINA)
JUDGE**

April 30, 2015
m.singh