

**Sr. No.1044
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR No. 3300 of 2013
Date of Decision.26.08.2015**

Udham Singh Jain Charitable Hospital Trust and others

.....Petitioners

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R.S.Athwal, Advocate,
for the petitioners.

Mr. Ayuwan Singh, AAG, Haryana.

K. KANNAN J. (ORAL)

The suit for injunction was filed in relation to a property which admittedly belonged to trust owning 101 Kanals of land on which a hospital has been constructed in one portion and run by the trust. It would appear that property had been originally acquired by the Government and handed over to the trust for running the hospital. The property which was remaining vacant was property which the trust claimed as retained by them and sought for a relief of injunction. The plaintiff relied on the revenue entries showing the property to be in the possession of the trust. The injunction which

was granted by the trial Court was reversed by the Appellate Court. The Court found that the document handing over the hospital referred not merely to the hospital but also to the land and other equipment and consequently relief of injunction sought for the trust was not possible. Defendant also contended that one of the trustees had earlier filed a suit for injunction and the suit was dismissed. The plaintiff has explaining that the person who filed the suit described himself as the trustee did not make the trust as a party and since the present suit was filed by the trust and dismissal of the suit filed at the instance of person who incidentally was a trustee will not have any value.

However, Counsel appearing for the State would submit the construction has been put up and the hospital is actually being run. I do not think that any obstruction to the running of the hospital or any benefit to the public shall be put to an any peril by the plaintiff, if the relief of injunction only to any further construction from being put up or do any act which will alter the character of property as it exists now. The revenue records would show the property to be used as agricultural land apart from the place where the hospital has been constructed. The same character of property shall be retained.

The impugned order already passed stands modified and the Civil Revision is ordered on the above terms.

(K. KANNAN)
JUDGE

August 26, 2015
vandana