

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 3956 of 2015

Date of Decision: July 14, 2015

Chhotu Ram deceased THR Legal Heirs Bahadur Singh and ors.

.....Petitioner

Vs.

Phool Chand and other

.....Respondents

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

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Present:- Mr.J.P. Sharma, Advocate
for the petitioners.

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

This is a revision petition against the orders passed by the Courts below dismissing the application for interim injunction filed by the plaintiff-petitioner to restrain the defendant- respondents from raising the level of common street as it is likely to cause damage to the property of the plaintiff- petitioner on account of accumulation of rain water. The application has been dismissed by the Courts below on the ground that the plaintiff has not been able to establish on the record prima facie essential three ingredients of law having been fulfilled. Prima facie the plaintiff has not proved his ownership on the common passage to the exclusion of the

defendant- respondents. The plaintiff could have sought injunction on the basis of long user or on the basis right of easement. Prima facie, the plaintiff has not been able to establish that irreparable loss will be caused to him in case the wall is raised on a portion of the street.

The application for injunction appears to have been filed without there being any imminent threat to the plaintiff. No sufficient ground is made out to interfere in the observations of the Courts below made while determining the application for interim injunction filed by the plaintiff.

Petition is dismissed without prejudice to the rights of the petitioner to approach the lower Court for an order of injunction in case the petitioner is able to establish any imminent threat to his property by producing sufficient prima facie evidence on the record.

July 14, 2015
sanjay

(M.M.S.BEDI)
JUDGE