

CR No.4085 of 2014

[1]

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

**CR No.4085 of 2014
Date of decision:04.02.2015**

Anil Kumar

...Petitioner

Versus

Jaipal and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. S.K.Yadav, Advocate,
for respondent no.2.

Mr. R.A.Yadav, Advocate,
for respondents no.1, 3, 4 and 5.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the orders passed by both the Courts below by which his application for temporary injunction has been dismissed.

The case of the petitioner is that he has been allotted plots no.5 and 6 but now plot no.6 has been allotted to Jai Pal, Secretary of the Society, vide resolution dated 15.09.2010 who has alleged that it was allotted to one Phool Singh who had surrendered it on 26.05.2002 and was again allotted to Jai Pal who further sold it to Sushila Devi-respondent no.2.

At this stage, learned counsel for the petitioner has relied upon a receipt dated 03.08.1996 (Annexure P-8) to contend that he had paid ₹76,000/- for allotment of plots no.5 and 6 but he could not show any

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evidence on record, even *prima facie*, that he had ever been allotted plot no.6 rather respondent no.1 has produced the original register in the Court in which there is a resolution by which plot no.6 was allotted to him.

In the absence of any *prima facie* evidence of having been allotted plot no.6 to him, the petitioner cannot claim temporary injunction because he has to satisfy all the three ingredients of injunction, namely, *prima facie* case, irreparable loss and balance of convenience.

In view thereof, I do not find any reason to interfere in the concurrent finding of fact recorded by both the Courts below while declining temporary injunction to the petitioner.

Dismissed.

February 04, 2014
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(**Rakesh Kumar Jain**)
Judge