

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8467 of 2014 (O&M)

Date of decision: 06.08.2015

Seema Verma and others

... Petitioners

versus

Vinod Kumar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sudhir Sharma, Advocate for the petitioners.

Mr. R.S. Bajaj, Advocate for respondent No.1.

K.Kannan, J.

The order passed by the Court below cannot be supported for a person who seeks for reentry into the possession must show a strong prima facie case. In this case, the resistance to re-recovery has reliance on the tenant's conduct himself in withdrawing the petition which he has filed before this Court making reference to a compromise and the defendant was relying on an alleged compromise under which he had delivered the decision to the defendant-petitioner. The present suit conceals the compromise but when confronted it is contended that it is a fabricated one. The Court below has observed that the validity of the documents cannot be examined at that stage in which case, the plaintiff could not have been still favoured with an order of injunction. The elementary principle shall be the plaintiff must have a strong prima facie case. In a situation where he withdrawn the civil revision on the basis of a compromise he ought to explain in the petition as to what the compromise was. I have no explanation offered by the counsel for

respondent. When I confronted the question directly, he says in a vague fashion that compromise must be understood that the law was against him and therefore the landlord would have been granted possession. If that was the case, it must have been simply withdrawn without reference to any compromise. I do not think the plaintiff had a prima facie case to get the relief of injunction. The order of the Court below is set aside and the petition for injunction is dismissed. Needless to state the observations about the prima facie case are only for the purpose of disposal of the interim injunction and will have no bearing to consideration of the case on merits at the time of trial.

The civil revision petition is allowed.

(K.KANNAN)
JUDGE

06.08.2015

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