

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

**R.S.A. 2159 OF 2011 (O&M)
Date of Decision: 10.12.2015.**

Parmod Kumar

.... Appellant

Versus

Parkash Chand

... Respondents.

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present:- Mr. Dhirinder Chopra, Advocate, for the appellant.

Mr. N.L. Sammi, Advocate, for the respondent.

AMIT RAWAL, J

The appellant-defendant is in Regular Second Appeal against the concurrent findings of facts and law, whereby the suit filed by the respondent-plaintiff seeking restraint order against the defendants from forcibly and illegally interfering in the operation of Cable T.V network, has been decreed.

Mr. Dhirinder Chopra, learned counsel appearing on behalf of the appellant-defendant submits that suit was filed on 21.02.2004. The licence granted by the Head Post Office was only upto 23.01.1996, whereas as per judgment and decree, the appellant-defendant has been permanently restrained, thus, there is a serious infringement of the constitutional right, which cannot be granted.

Mr. N.L. Sammi, Advocate, appearing on behalf of

respondent-plaintiff submits that no interference is warranted against the concurrent findings as both the judgments and decrees passed by the Courts below are based upon oral and documentary evidence. The respondent-plaintiff is still holder of licence and therefore, an injunction would definitely run against the appellant-defendant.

I have heard learned counsel for the parties and apprised the paper book.

The cable operators are granted licence for a particular period for telecasting of various channels in a dedicated area. Since the respondent-plaintiff was holder of the licence which gave him a cause of action in the year 2004 but the fact remains whether his licence has been renewed or not which had to be determined being mixed question of facts and law and in case the respondent-plaintiff has not been granted a new licence the injunction obtained cannot continue for infinite period. Thus, in case the respondent-plaintiff's licence has not been renewed the injunction against the appellant-defendant shall not operate.

Keeping in view the aforementioned observations, this regular second appeal is disposed of.

December 10, 2015

SwarnjitS

**(AMIT RAWAL)
JUDGE**