

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3372 of 2016

Date of decision: 29.7.2016

Laxmi Narain

...Petitioner

Versus

Birender and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashish Yadav, Advocate for the petitioner.

Rajan Gupta, J. (oral)

In the present revision petition challenge is to the order dated 2.5.2015, passed by Additional District Judge, Rewari, whereby order dated 14.01.2016, passed by the trial court granting status-quo, has been set-aside.

Learned counsel for the petitioner has assailed the order. According to learned counsel, the first appellate court has failed to appreciate the controversy in right perspective. He submits that there is dispute of title, but being co-sharers, plaintiffs are having right and interest in the suit land and in case defendants succeed in raising construction, petitioner/plaintiffs would suffer irreparable loss.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that plaintiff/petitioner alongwith other co-sharer Devi Sharma filed a suit for permanent injunction regarding the property bearing Khasra No.96 (0-12), situated in village Khandoda, Tehsil Bawal. Alongwith the suit, they also filed application U/O 39 Rules 1 & 2 read

with Section 151 CPC for grant of interim injunction. Plea was resisted by the defendants. They contended that plaintiffs have no locus-standi and cause of action to file the suit as well as application as they have no concern with any part of the suit property. The trial court directed the parties to maintain status quo qua construction over the suit land. Respondents preferred appeal before the appellate court at Rewari. It came to the conclusion that petitioner has failed to show any prima facie case or balance of convenience in his favour. It further observed that any construction raised by any of the parties to the litigation, would be subject to the final decision of the suit. Application filed by the petitioner was dismissed accordingly. Aggrieved, present revision has been preferred by the petitioner before this court.

I am of the considered view that no case for grant of interim injunction is made out. The construction, if any, would be subject to final outcome of the civil suit. The appellate court has rightly rejected the application for interim stay. No ground to interfere in revisional jurisdiction is made out.

Dismissed.

Nothing said hereinabove shall be treated to be expression on merits of the case.

(RAJAN GUPTA)
JUDGE

29.07.2013
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No