

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

Civil Revision No.3396 of 2015
Date of Decision: May 16th, 2016

Jai Kishan

...Petitioner

Versus

Vimal Kumar Sharma & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.G.C.Shahpuri, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the dismissal of the suit filed by invoking the provisions of Section 6 of the Specific Relief Act, 1963 (for short “1963 Act”) on the premise that he was inducted as a tenant in the shop in dispute at a monthly rent of ₹900/- per month and has been paying the rent regularly. The petitioner is doing the business of Massage and repair of fractures of disabled persons. On 21.8.2008, back wall of the shop was found to be demolished illegally and without his knowledge and consent. Petitioner immediately moved an application to the police in this regard and thereafter filed the suit for permanent injunction on 26.8.2008 and the same was withdrawn on 29.8.2008 as the respondent-defendants had assured not to dispossess him from the shop in dispute. The statement made before the police has not been noticed.

During the course of the hearing, this Court called upon the

learned counsel for the petitioner to produce the copy of the plaint. On going through the plaint, it is found that there is no averment with regard to the alleged dispossession, in essence the suit, *ex-facie*, was not maintainable as the same was not falling within the realm of Section 6 of 1963 Act. The discussion of evidence would be totally meaningless once the suit is lacking material. None of the paragraphs specify any date of alleged dispossession. It is only breaking of the wall.

In my view, the trial Court ought to have dismissed the suit at the threshold, yet gave opportunity to the petitioner to lead evidence, even then wisdom had not dawned to seek amendment of the plaint.

There is no merit in the revision petition. The same is accordingly dismissed.

May 16th, 2016
ramesh

(AMIT RAWAL)
JUDGE