

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

C.R. No.4224 of 2016

Date of Decision.15.07.2016

Amandeep Singh

.....Petitioner

Vs.

Jagjit Singh

.....Respondent

Present: Mr. Ashok Giri, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the impugned order whereby the misc. appeal filed by the respondent-defendant against the order granting an ad interim injunction in an application filed under Order 39 Rule 1 and 2 CPC in a suit for permanent injunction has been allowed.

Mr. Ashok Giri, learned counsel for the petitioner submits that the suit for permanent injunction for restraining the defendant from interference and dispossession was instituted on the ground of threats of dire consequences, much less, on the premise that he is a tenant and the rent was being collected by one agent Hemraj. He further submits that though the trial Court had granted ad interim injunction but the same was vacated by the lower Appellate Court on account of the fact that the petitioner-plaintiff has not proved the possession of the disputed premise and thus, the lower Appellate Court has committed illegality and perversity in ignoring the cheques and the bill vide which the electricity charges of the premises in

dispute has been paid from the account of the petitioner-plaintiff, which were sufficient for the lower Appellate Court to uphold the order of the trial Court, thus, urges this Court to set aside the impugned order passed by the lower Appellate Court and restore the order passed by the trial Court.

I have heard the counsel for the petitioner and appraised the paper book.

As per the stand taken by the respondent-defendant, it was one Harjinder Singh who was said to be in possession and the defendant denied the relationship of landlord and tenant with the petitioner-plaintiff. The plaintiff had not produced any rent receipt or income tax return or ledger book or any other document to prove possession except the photographs which had been attached as Annexure P-3 with the revision petition. It does not even depict whether it is of the same cabin or some other place. Payment of electricity bills does not prove that the petitioner is a tenant in possession of the disputed premise. It is stated by the counsel for the petitioner that two years have been spent on the adjudication of application for ad interim injunction and seeks a direction from this Court to direct the trial Court for expeditious disposal of the suit. I do not deem it appropriate to issue direction to the trial Court in this regard. The petitioner shall be at liberty to examine the witnesses as expeditiously as possible and pace up the trial of the suit.

I do not find any ground to differ with the order passed by the lower Appellate Court accepting the misc. appeal filed by the respondent-defendant by setting aside the order of the trial court dated 21.10.2014 granting ad interim injunction in favour of the petitioner-plaintiff, much less, the order impugned cannot be said to be passed without jurisdiction.

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The revision petition is dismissed. However, any observation made in this order shall not come in the way while disposing of the suit on merits.

(AMIT RAWAL)
JUDGE

July 15, 2016
Pankaj*