

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1561 of 2017 (O&M)
Date of decision: 06.03.2017

Krishna Devi and another

... Petitioners

Vs.

Bhanu Ram and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Mohit Garg, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Present revision petition is directed against the order dated 08.02.2017 passed by learned Additional District Judge, whereby miscellaneous appeal of the petitioners against the order dated 24.01.2017 passed by the learned trial Court, was upheld granting ad-interim injunction in favour of the plaintiffs-respondents.

Heard learned counsel for the petitioners.

A bare perusal of the impugned orders passed by the learned Courts below would make it crystal clear that the plaintiffs have made a prima facie case in their favour. The learned trial Court, with a view to ascertain the factual position at the site, rightly appointed Local Commissioner who demarcated the

suit land in the presence of both the parties and prepared a site plan. Said report of the Local Commissioner along with site plan was perused by the learned Courts below, before passing the impugned orders. Having said that, this Court feels no hesitation to conclude that the learned Courts below were well within the jurisdiction to pass their respective impugned orders and the same deserve to be upheld.

All the basic ingredients were clearly made out in favour of the plaintiffs and against the defendants-petitioners herein. If the ad-interim injunction would not have been granted in favour of the plaintiffs, they would have suffered irreparable loss and injury. Once there was a prima facie case made out in favour of the plaintiffs, ad-interim injunction was rightly granted. Balance of convenience was also found in favour of the plaintiffs. In this view of the matter, it can be safely concluded that the learned Courts below committed no error of law, while passing their respective impugned orders and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point any patent illegality or perversity in either of the impugned orders passed by the learned Courts below, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction. The impugned orders have been found based on sound reasons and the same deserve to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present provision petition is wholly misconceived, bereft of merit

and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

06.03.2017
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No