

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

**1. CR-2139-2015
Decided on: 23.08.2017**

Kamlesh Sharma and others Petitioners

Versus

Ram Karan Giri and others Respondents

2. CR-3432-2015

The Tribune Employee and Friends Welfare Society and others

.... Petitioners

Versus

Ram Karan Giri and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vivek Singla, Advocate,
for the petitioners in CR-2139-2015 and
for respondents No.7, 8, 12, 13 to 15 in CR-3432-2015.

Mr. M.K. Dhot, Advocate, for
Mr. Varun Garg, Advocate,
for the petitioners in CR-3432-2015.

Mr. Varinder Kumar Sandhir, Advocate,
for respondents No.1, 2, 3, 5 & 7 in CR-2139-2015 and
for respondents No.1 to 3, 5 and 6 in CR-3432-2015.

RAMESHWAR SINGH MALIK, J (ORAL)

These two identical revision petitions, filed under Article 227 of the Constitution of India, at the hands of defendants, are directed against the impugned order dated 02.02.2015 (Annexure P-2) and are being decided vide this common order, with the consent of the learned counsel for the parties.

The learned Additional District Judge accepted the miscellaneous appeal of the plaintiffs, setting aside the order dated 28.10.2013 (Anexure P-1) passed by the learned trial Court and the application of the plaintiffs under Order 39 Rules 1 and 2 of Code of Civil Procedure (in short 'CPC') was allowed vide impugned order dated 02.02.2015.

Notice of motion was issued.

Heard learned counsel for the parties.

It is a matter of record that plaintiffs-respondents have filed a suit for permanent injunction. During the pendency of the suit, plaintiffs also filed an application under Order 39 Rules 1 and 2 read with Section 151 CPC seeking ad interim injunction, which was declined by the learned trial Court vide its order dated 28.10.2013. Feeling aggrieved against the said order, plaintiffs filed their miscellaneous appeal, which was allowed by the learned Additional District Judge, vide impugned order dated 02.02.2015.

A bare combined reading of the impugned orders passed by the learned Courts below will make it crystal clear that the appeal of the plaintiffs was rightly accepted granting them ad interim injunction, so as to ensure that suit for permanent injunction filed by the plaintiffs-respondents may not be rendered infructuous. In fact, the learned Additional District Judge rightly examined, considered and appreciated the true facts of the case in correct perspective and came to a judicious conclusion that the plaintiffs have made out a prima facie case and balance of convenience was also found in favour of the plaintiffs.

Under these circumstances, in case ad interim injunction would

not have been granted to the plaintiffs, they would have suffered an irreparable loss and injury and very purpose of filing the suit would have been defeated. Having said that, this Court feels no hesitation to conclude that the learned Additional District Judge was well within his jurisdiction to pass the impugned order and the same deserves to be upheld.

Once the plaintiffs-respondents have fulfilled all the three basic ingredients for granting ad interim injunction in their favour, denial of such an ad interim injunction would have caused serious prejudice to the plaintiffs. Merits of the case would be considered by the learned trial Court after appreciation of evidence which is yet to be produced by both the parties. However, at this stage of the litigation, the learned Additional District Judge rightly found the plaintiffs to be entitled for ad interim injunction. In this view of the matter, no fault can be found with the impugned order passed by learned first appellate court and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order dated 21.02.2015 passed by the learned Additional District Judge has been found based on sound reasons, which deserves 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 since no illegality has been found in the impugned

order, the same deserves to be upheld. The revision petition having been found wholly misconceived, bereft of merit and without any substance, must fail. No ground for interference has been made out.

However, since the suit is pending for the last about 5 years, the learned trial Court is directed to make an endeavour to decide the same expeditiously.

Resultantly, with the abovesaid observations and directions issued, these two revision petitions stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

23.08.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No