

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 25.04.2017

1. CR No.2845 of 2017

Dilbag Singh Sandhu

... Petitioner

Vs.

H.S. Jattana

... Respondent

2. CR No.2856 of 2017

Dilbag Singh Sandhu

... Petitioner

Vs.

H.S. Jattana

... Respondent

3. CR No.2869 of 2017

Dilbag Singh Sandhu

... Petitioner

Vs.

H.S. Jattana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.C. Chaudhary, Advocate for
Mr. S.B. Kaushik, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

These three identical revision petitions between the same parties are being disposed of, vide this common order, with the consent of learned counsel for the petitioner, as all these three revision petitions are arising out of same set of facts and are directed against identical orders passed by the learned trial Court, whereby interim order was granted in favour of the plaintiff-

respondent, allowing his application under Order 39 Rules 1 and 2 of the Code of Civil Procedure (for short 'CPC') as well as a separate application under Section 151 CPC and these orders passed by the learned trial Court were upheld by the learned first appellate Court, dismissing the identical appeals filed by the defendant-petitioner.

Heard learned counsel for the petitioner.

It is a matter of record and not in dispute that the learned trial Court passed a restraint order dated 02.01.2016 against the present petitioner-defendant restraining him from interfering in the peaceful possession of the plaintiff over the suit property, fully detailed and described in the head note of the plaint, till decision of the suit. Similarly, while deciding another application under Order 39 Rules 1 and 2 read with Section 151 CPC, learned trial Court directed the defendant-petitioner to restore the electricity and water supply to the said portion, which was in possession of the plaintiff-respondent, both water and electricity being the basic necessities. Feeling aggrieved, defendant-petitioner filed his appeals, which also came to be dismissed by the learned Additional District Judge, however, modifying the orders passed by the learned trial Court, directing the parties to maintain status quo over the suit property.

A bare combined reading of the impugned orders passed by the learned Courts below will make it crystal clear that since the plaintiff-respondent has made out a clear-cut case for interim injunction in his favour, satisfying all three basic ingredients, the learned trial Court was well within its jurisdiction to pass the impugned orders and the same were rightly upheld by the learned Additional District Judge, because of which the impugned orders deserve to be upheld.

In case, the contentions raised on behalf of the petitioner are accepted, then the plaintiff would be non-suited at this very stage without granting him an opportunity of pursuing his suit, in accordance with law. Once the plaintiff has successfully established all the three basic ingredients i.e. prima facie case in his favour, balance of convenience and non-grant of interim order resulting in irreparable loss, learned trial Court committed no error of law, while passing the impugned orders. Similarly, the learned Additional District Judge was also well justified in upholding the impugned orders passed by the learned trial Court, however, modifying the same directing the parties to maintain status quo over the suit property. In this view of the matter, it can be safely concluded that since the impugned orders are duly supported by sound reasons, the same deserve to be upheld, for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that all these three revision petitions are wholly misconceived, bereft of merit and without any substance, thus, these must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, all the abovesaid three revision petitions stand dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

25.04.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No