

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-3927-2017

Date of Decision:- 26.09.2017

Om Prakash

.....Petitioner

Versus

Premlata @ Prem Devi

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anoop Kumar Yadav, Advocate,
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner-plaintiff has come up in revision against the order dated 05.04.2017, passed by learned District Judge, Rewari as well as the order dated 21.02.2017, passed by learned Additional Civil Judge (Senior Division), Rewari, whereby his application, under Order 39 Rules 1 and 2 read with Section 151 CPC for interim injunction restraining the defendants from not to interfering in peaceful possession of the plaintiff, has been dismissed.

Perusal of the impugned orders shows that the plaintiff has filed a suit for permanent injunction restraining defendant Nos.1 and 2 from interfering in the peaceful possession over the suit land. He (plaintiff) was seeking this relief on the basis of agreement to sell dated 28.05.1997 executed by defendant Nos.1 and 2 in his favour. Both the

Courts have found that there is a registered sale deed in favour of defendant No.2 and he is shown to be owner in possession of the plot in question.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the both the Courts below have rightly passed the impugned orders after appreciating the evidence in the correct prospective and after taking into account the fact that the plaintiff was not able to dispute that the plot is vacant and further he has not placed on record any site plan to show the location of the plot. Since the defendant No.2 was shown to be owner by way of registered sale deed, the presumption has rightly been drawn in her favour that she is in possession of the vacant plot.

Such orders, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court, unless and until, the same are illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, therefore, the instant revision petition is hereby dismissed.

September 26, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No