

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5092 of 2017 (O&M)

Date of decision: 03.08.2017

Karam Kaur

... Petitioner

Vs.

Kulwant Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. G.S. Madaan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the orders passed by the learned Courts below at Annexures P-8 and P-9, whereby application of the plaintiff-respondent under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, was allowed by the learned trial Court and miscellaneous appeal of the petitioner-defendant was dismissed by the learned Additional District Judge, she has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India, for setting aside the impugned orders.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner has only entered into an agreement to sell and there is no sale deed in her favour. In the absence of any sale deed, she cannot claim title. A combined reading of both the impugned orders passed by the learned Courts below will make it crystal clear that all the three

basic ingredients for granting ad interim injunction were found in favour of the plaintiff-respondent. Plaintiff made out a prima facie case in his favour. Balance of convenience was also found in favour of the plaintiff. The learned Courts below also recorded their satisfaction that in case, ad interim injunction is not granted in favour of the plaintiff, he shall suffer irreparable loss and injury. 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.

In case, ad interim injunction granted by the learned Courts below would have been denied to the plaintiff, very purpose of filing the suit would have been defeated. In this view of the matter, no fault can be found with the impugned orders passed by the learned Courts below and the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out 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 under Article 227 of the Constitution of India. In fact, the impugned orders passed by the learned Courts below 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 since no illegality has been found in either of the impugned orders passed by the learned Courts below, the same deserve 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.

Since the suit is pending for the last more than two years, the learned trial Court is directed to expedite the trial and decide the suit at an early date.

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

[RAMESHWAR SINGH MALIK]
JUDGE

03.08.2017
vishnu

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