

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

135

CR-5372-2017

Date of Decision: 16.08.2017

Balwant Singh and another**.....Petitioners****Versus****Roop Singh****.....Respondent****CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.****Present: Mr.P.K.S.Phoolka, Advocate,
for the petitioners.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned orders dated 26.05.2014 (Annexure P-1) passed by the learned trial court and also the order dated 06.05.2017 (Annexure P-3) passed by the learned Additional District Judge, whereby application of the plaintiff-respondent filed under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, was allowed by both the learned courts below, in a suit for permanent injunction, defendants have approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned orders.

Heard learned counsel for the petitioners.

A bare combined reading of both the impugned orders passed by the learned courts below would show that the plaintiff-respondent has made out a *prima facie* case in his favour. He was found in settled possession over the suit land. Balance of convenience was also in favour of the plaintiff-respondent. In such a situation, if the *ad interim* injunction would have been declined to the plaintiff, irreparable loss was likely to be

caused to him. Once the plaintiff has fulfilled all the three basic ingredients for granting *ad interim* injunction in his suit for permanent injunction, no fault can be found with either of the impugned orders passed by the learned courts below and the same deserve to be upheld.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in 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.

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 revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

However, the contention raised by learned counsel for the petitioners for early disposal of the suit has been found to be justified. Accordingly, the learned trial court is directed to expedite the trial and ensure early disposal of the suit, in accordance with law.

August 16, 2017
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(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No