

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.5618 of 2017 (O&M)
Date of decision: 23.08.2017

Manpreet Singh

... Petitioner

Vs.

Nachhattar Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Ms. Rashmi Lakhanpal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant civil revision petition, at the hands of defendant, is directed against the order dated 15.09.2014 passed by the learned trial Court and also the order dated 04.07.2017 passed by the learned Additional District Judge, whereby application moved by the plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, was allowed.

Heard learned senior counsel for the petitioner.

A bare combined reading of both the impugned orders passed by the learned Courts below will make it crystal clear that the learned Courts were well within their jurisdiction to pass their respective impugned orders and keeping in view the totality of facts and circumstances of the case, the impugned orders deserve to be upheld. It is so said because admittedly it is a

case of rendition of accounts. Plaintiff was partner in the firm. When the partners of the firm were not pulling on with each other, dispute arose amongst them. There had been earlier litigation also between the parties. In the case of rendition of accounts, if ad-interim injunction would not have been granted in favour of the plaintiff, defendants-petitioners would have sold the suit property, rendering the suit of the plaintiff as infructuous. In this view of the matter, it can be safely concluded that the learned Courts below committed no error of law, while passing their respective impugned orders and the same deserve to be upheld.

Keeping in view the totality of facts and circumstances of the case, noticed in the detailed orders passed by the learned Courts below, it would become crystal clear that the plaintiff has fulfilled all the three basic conditions for granting him ad-interim injunction. In such a situation, ad-interim injunction could not have been denied to the plaintiff. Had the ad-interim injunction been denied to the plaintiff, he would have suffered irreparable loss and injury. Plaintiff has made out a prima facie case. Balance of convenience was also in his favour. Under these circumstances, 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 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, which 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 the present revision petitions is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

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

[RAMESHWAR SINGH MALIK]
JUDGE

23.08.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No