

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5985-2017

Date of Decision:06.09.2017

Jatinder Singh and others

.....Petitioners

Versus

Darbara Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Ms.Pallavi Singh, Advocate,
for Mr.Rahul Bhargava, Advocate,
for the petitioners.**

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 24.07.2014 passed by the learned trial court, granting *ad interim* injunction in favour of the plaintiffs and also the appellate order dated 02.05.2017 passed by the learned Additional District Judge, whereby miscellaneous appeal of the defendants was dismissed, they 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 combined reading of both the impugned orders passed by the learned courts below will make it crystal clear that the plaintiffs-respondents have fulfilled all the three basic ingredients for granting *ad interim* injunction, which was rightly granted by the learned courts below.

Possession of the plaintiffs-respondents on the suit land is admitted. Once

the possession of the plaintiffs was admitted, they had not only made out a *prima facie* case in their favour but balance of convenience was also in favour of the plaintiffs. In such a situation, if *ad interim* injunction would not have been granted in favour of the plaintiffs and they have been forcibly dispossessed by the defendants-petitioners, an irreparable loss would have been caused to the plaintiffs. After considering all the relevant aspects of the matter, learned trial court rightly granted *ad interim* injunction in favour of the plaintiffs, restraining the defendants from forcibly dispossessing the plaintiffs during the pendency of the suit. Having said that, this Court feels no hesitation to conclude that the learned courts below were well within their jurisdiction to pass their respective impugned orders and the same deserve to be upheld.

Similarly, the learned Additional District Judge passed a detailed and self-contained order. True facts of the case were rightly examined, considered and appreciated, in the correct perspective before passing the appellate impugned order. Under these circumstances of the case, it can be safely concluded that the learned courts below committed no error of law, while passing the impugned orders and the same deserve to be upheld, for this reason also.

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. The impugned orders have been found based on sound reasons.

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.

September 06, 2017
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(**RAMESHWAR SINGH MALIK**)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No