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

**Civil Revision No.8132 of 2015 (O&M)
Date of Decision: 05.09.2017**

BIMLA AND ANR

.....Petitioners

Vs

IMPROVEMENT TRUST AND ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. S.C. Pathela, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed the order dated 25.05.2015 passed by the Addl. District Judge, Patiala vide which interim injunction granted by the trial Court was vacated.

[2]. Learned counsel for the petitioners submitted that initially the property was owned by Municipal Corporation, Patiala and thereafter the same was transferred to Improvement Trust, Patiala on 15.03.2013. The predecessor-in-interest of the plaintiffs/petitioners were recorded to be in possession of the property as tenant as per *jamabandi* for the year 1961-62 onwards. At the relevant time, the land was agricultural in nature, but with the passage of time, the nature of the suit land kept on changing. As per *jamabandi* for the year 1966-67

Raghibir Chand predecessor-in-interest of the plaintiffs was shown to be in possession of the suit land. The entry in column No.9 of the said *jamabandi* was to the following effect:-

“Chakota 725, Saal Tamam, Bila Lagan Bawaja Kabja”

[3]. The trial Court granted interim injunction in favour of the plaintiffs on the premise that the order passed by the Assistant Collector, 1st Grade in respect of correction of *khasra girdawari* was stayed by the Collector, however the lower Appellate Court vacated the same after noticing the fact that the proceedings pending before the Collector stood culminated against the plaintiffs.

[4]. I have heard learned counsel for the parties.

[5]. At the stage of granting interim injunction in terms of Order 39 Rules 1 and 2 CPC three ingredients in terms of existence of *prima facie* case, balance of convenience and irreparable loss in the event of not granting interim relief are to be seen.

[6]. At this stage, without embarking upon evidentiary value of the revenue record since the year 1961-62 onwards, I am of the view that the presumption attached to the revenue record is rebuttable in nature. Both the parties would be at liberty to adduce evidence in accordance with law. Since *prima facie*

entries were made in the revenue record showing the predecessor-in-interest of the petitioners to be in possession of the land against Chakota for the year 1966-67 with the endorsement of *Billa Lagan Bawaja Kabja*, therefore I deem it appropriate to consider that there is a *prima facie case* in favour of the petitioners and in the event of not protecting the possession of the petitioners, it may result in irreparable loss. Consequently balance of convenience is also taken to be in favour of the petitioners, therefore, the impugned order dated 25.05.2015 passed by the lower Appellate Court is set aside.

[7]. Since there is a dispute with regard to the nature of order passed by the revenue officials, correction of *khasra girdawari*, the validity of those orders would be gone into by the trial Court with reference to the compliance of principles of natural justice, therefore, at this stage it would be just and appropriate to grant *status quo* with regard to possession, alienation and nature of property as it exists today. Ordered accordingly.

[8]. Petition stands disposed of.

September 05, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No