

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.8492 of 2015
Date of decision:9.8.2017**

Raj Kumar

...Petitioner

Versus

Sarabjit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Sanjeev Pandit, Advocate for the petitioner.
Mr.H.S.Dhindsa, Advocate for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Instant civil revision petition, under Article 227 of the Constitution of India, at the hands of defendant, is directed against the order dated 20.4.2015 (Annexure P-5) passed by the learned trial court, allowing the application of the plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure and also against the order dated 22.9.2015 (Annexure P-7) passed by the learned Additional District Judge, whereby miscellaneous appeal of the defendant was dismissed, upholding the order dated 20.4.2015 of the learned trial court.

Notice of motion was issued.

Heard learned counsel for the parties.

It has gone undisputed before this Court that the plaintiff was coming in possession as lessee on the suit land. Lease deed was executed in

favour of the plaintiff-respondent by the Punjab Wakf Board. As per the stand taken by defendant-petitioner, lease in favour of the plaintiff had expired and thereafter owner of the suit land-Punjab Wakf Board executed a lease deed in favour of the defendant-petitioner. However, all these facts were being seriously disputed by the plaintiff-respondent.

After hearing the learned counsel for the parties and going through the record of the case, plaintiff was found to have fulfilled all the three basic ingredients for granting ad interim injunction in his favour. Accordingly, the learned trial court, vide its impugned order dated 20.4.2015, granted ad interim injunction in favour of the plaintiff during the pendency of the suit. Feeling aggrieved, defendant filed his miscellaneous appeal, which also came to be dismissed by the learned Additional District Judge, vide his impugned order dated 22.9.2015, thereby upholding the above-said order passed by the learned trial court. Hence this revision petition, at the hands of defendant.

A bare combined reading of the above-said impugned orders passed by the learned courts below would make it crystal clear that the plaintiff has fulfilled all the three basic ingredients for granting ad interim injunction in his favour. Plaintiff has successfully made out a prima facie case. Plaintiff was shown as licensee of the Punjab Wakf Board and thereafter he was permitted to raise construction on the suit land. He has also placed on record photographs, showing the construction on the suit land.

Thus, balance of convenience was also found in favour of the plaintiff. Further, in case ad interim injunction would not have been granted

to the plaintiff, he would have suffered irreparable loss and injury and very purpose of filing of the suit would have been defeated. 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.

When the learned counsel for the petitioner-defendant was asked to show any document, even remotely suggesting that after expiry of the lease period, possession was taken from the plaintiff by the true owner of the suit land, i.e. Punjab Wakf Board, he had no answer and rightly so, it being a matter of record.

So far as the merits of the case is concerned, plaintiff is yet to prove his case by leading relevant evidence before the learned trial court. At this stage, ad interim injunction could not have been denied to the plaintiff, which has been rightly granted by both the learned courts below, while passing their respective impugned orders 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, 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 are supported by sound reasons, because of which no fault can be found with it 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 the instant civil revision petition is wholly 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, the present civil revision petition stands dismissed, however, with no order as to costs.

9.8.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No