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

CR No. 1713 of 2018

Date of Decision: 15.05.2018

Mool Chand

....Petitioner

Vs

Poonam Chand @ Leelu Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ranjeet Jaswal, Advocate, for
Mr. J.P. Jangu, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

An application under Order 39 Rules 1 and 2 CPC has been allowed concurrently by both the Courts below in favour of plaintiff-respondent Poonam Chand @ Leelu Ram.

As per case set up by plaintiff, he has purchased tenancy rights from Poonam Chand @ Leelu Ram in respect of property which is registered in *tahbazari* register at Serial No.47. Plaintiff set up the case on the basis of aforesaid transfer of tenancy rights after surrendering his rights in favour of the plaintiff. The shop is under the ownership of defendants No.2 and 3. Plaintiff has deposited the rent and produced rent receipts on record in order to show prima-facie case in his favour for the grant of *ad interim* injunction.

Defendant-petitioner who is real brother of the plaintiff stakes his claim to the property on the ground that he was in tenancy along with Poonam Chand @ Leelu Ram in respect of property in question. Such tenancy has not been prima-facie established as per record of Municipal Committee. The possession of plaintiff Poonam Chand @ Leelu Ram has been admitted by defendants No.2 and 3.

At the stage of application under Order 39 Rules 1 and 2 CPC, only three ingredients are to be seen i.e. existence of prima-facie case, balance of convenience and irreparable loss likely to be suffered in case of non-grant of interim injunction. All the three ingredients are prima-facie proved to be in favour of the plaintiff for granting interim injunction under Order 39 Rules 1 and 2 CPC.

This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

15.05.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No