121

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5209 of 2018 (O&M)
Date of Decision: 13.08.2018

MAHENDER SINGH

.....Petitioner

Vs

GRAM PANCHAYAT, VILLAGE BIJNA AND OTHERS

....Respondents

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

Present: Mr. Shekhar Verma, Advocate
for the petitioner.

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RAJ MOHAN SINGH, J. (Oral)

This revision petition has been filed against the impugned orders whereby the application under Order 39 Rules 1 and 2 CPC was concurrently dismissed by the Courts below.

Brief facts of the case are that a *Chaupal* in existence is sought to be demolished for the construction of new *Chaupal* in the same place by the Gram Panchayat.

A finding has been recorded by the Courts below that the old *Chaupal* was constructed in the year 1978 and new *Chaupal* is stated to be constructed in its place as the same has been declared to be inhabitable and unserviceable by the Department of PWD B&R.

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I have considered the submissions made by learned counsel for the petitioner.

The case of the petitioner/plaintiff, if tested on the three principles for grant of interim injunction, the same would fall as the construction of new *Chaupal* in any case will not create any prejudice to the plaintiff, nor any *prima facie* case is made out nor balance of convenience can be inferred in favour of the plaintiff. No irreparable loss will be caused to the plaintiff if new *Chaupal* is constructed in place of old one.

In view of aforesaid, there is no error of jurisdiction in the impugned orders passed by the Courts below. This revision is accordingly dismissed.

August 13, 2018 **(RAJ MOHAN SINGH)**
Atik **JUDGE**
Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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