

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 8960-2017 (O&M)

Date of decision: 18.01.2018

Prem Singh

.....Petitioner

versus

Sukhjinder Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.A.G.S.Dhillon, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Heard.

It comes out that the petitioner claims that he was owner of ½ share of a *Khokha* which was found to be illegally constructed and in lieu of which, built in shop no.27 is being allotted by the Punjab Urban Planning and Development Authority (for short, 'PUDA') to defendant no.1.

Since that one half share is being disputed by defendant no.1, therefore, without seeking declaration of his rights, plaintiff could not file suit for mere permanent injunction. Plaintiff should have sought declaration regarding his share in the *Khokha* and consequently right of allotment by PUDA. No such declaration was sought. The relief to grant of temporary injunction under Order 39 Rule 1 and 2 is discretionary. Plaintiff has to come to Court with clean hands. He has to show balance of convenience and prima facie case.

In these circumstances, application of temporary injunction

which was allowed by the trial Court, was rightly dismissed by the lower appellate Court.

No ground is made to interfere in the impugned order dated 8.11.2007 (Annexure P3) passed by learned Additional District Judge, Patiala.

Resultantly, the present revision petition stands dismissed.

18.01.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No