

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

**RSA No. 1119 of 2016
Date of decision: 11.5.2018**

Harbhajan Singh

... Appellant

Versus

Surjit Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jagdeep S. Virk, Advocate
for the appellant.

ARUN PALLI, J. (Oral)

The suit filed by the plaintiff was dismissed by the trial court, vide judgment and decree dated 30.9.2014. As even the appeal preferred against the said decree failed, and was dismissed on 10.8.2015, the plaintiff is in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

The plaintiff prayed for a decree for injunction, restraining the defendants from causing any recovery or realising any amount from the persons or property of the plaintiff by way of any coercive machinery, i.e. arrest or getting his thumb impressions/signatures by way of threat or involving him in a false case.

RSA No. 1119 of 2016

-2-

On a consideration of the matter in issue and the evidence on record, both the courts concurrently concluded that nothing was brought on record to show that the defendants had ever resorted to any unlawful means or coercive methods to extract money from the plaintiff. Further, in terms of Section 41 (D) of the Specific Relief Act, no injunction could be granted to restrain any person from instituting or prosecuting any proceedings in a criminal matter. That being so, the only and the inevitable conclusion that could be reached: the appeal is devoid of merits. On being pointedly asked, learned counsel for the appellant could not show as to how, the findings recorded by both the courts were either contrary to the record or suffered from any material illegality.

Thus, no question of law, much less any substantial question of law, arises for consideration. The appeal is accordingly dismissed.

11.5.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether speaking / reasoned:	YES
Whether Reportable:	NO