

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.6689 of 2016 (O&M)

Date of Decision: May 17, 2018

Kishori Lal

...Appellant

Versus

Municipal Council, Narnaul & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.J.P.Sharma, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff is aggrieved of the concurrent findings of fact and law, whereby the suit for permanent injunction seeking restraint against the respondent-defendants for not demolishing the building of the plaintiff on the basis of notice dated 13.8.1999, has been dismissed by the trial Court and affirmed by the Lower Appellate Court.

Mr.J.P.Singh, learned counsel representing the appellant-plaintiff submitted that the Courts below have not noticed the fact that there is no limitation for granting the injunction. The suit was simpliciter for injunction as no declaration sought and, therefore, limitation would not come in the way of the plaintiffs and, thus, there is gross illegality and perversity.

I have heard the learned counsel for the appellant-plaintiff and appraised the paper book.

The relief of declaration in a suit for injunction is inherent

where a restraint order has been sought against the respondent-defendants challenging the notice of demolition dated 13.8.1999. No explanation has come forth as to how and under what circumstances the plaintiffs did not avail the statutory/legal remedy at appropriate and relevant time. This is what has been the import of the judgment in dismissing the suit. I am of the view that the suit is hopelessly barred by limitation.

Resultantly, the appeal is dismissed.

May 17, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No