

110

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

CR No. 3034 of 2019

Date of Decision: 09.05.2019

Mukesh Kumar

-Petitioner

Vs

Subhash Chand

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dhiraj Chawla, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Evidently, a suit for permanent injunction was filed on the basis of agreement to sell dated 26.01.2016.

Till date, plaintiff has not filed any suit for specific performance on the basis of said agreement.

By way of an application under Order 39 Rules 1 and 2 CPC, plaintiff-petitioner seeks to injunct the defendant in perpetuity without filing any suit for specific performance after paying the requisite Court fee. Suit for permanent injunction in such a situation is not maintainable in view of Section 41(h) of Specific Relief Act, as the plaintiff has equal and efficacious remedy of specific performance of contract/agreement.

The lower Appellate Court has rightly interfered in the order dated 21.01.2019 passed by the trial Court.

No indulgence can be granted in favour of the petitioner.

In view of aforesaid facts, this revision petition is dismissed.

09.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No