

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

CR-3319-2019 (O&M)
Date of decision: 20.05.2019

Om Parkash

...Petitioner

Versus

Risal Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Rajesh Kumar, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

This revision petition is directed against order dated 03.05.2019, passed by Addl. District Judge, Jhajjar in CMA No.24 of 2017, vide which, he had set aside order dated 16.08.2017, passed by Civil Judge (Jr. Divn.) Jhajjar.

Briefly stated facts of the case as can be gathered from the record are that plaintiff Om Parkash had brought a suit for grant of permanent injunction against defendant Risal Singh, in which, he moved an application under Order 39 Rules 1 & 2 CPC, praying for grant of ad-interim injunction, restraining the defendant and persons claiming under him from interfering in peaceful possession of plaintiff and from demolishing any part of the suit property. Notice of the suit as well as application was given to the defendant, who put in appearance and contested the suit as well as application. Vide impugned order dated 16.08.2017, the trial Court accepted the application for grant of ad-

interim injunction. The defendant feeling aggrieved by the said order had challenged it before District Judge, Jhajjar, by way of filing an appeal, which was assigned to Addl. District Judge, Jhajjar, who vide impugned order dated 03.05.2019 set aside the order granting ad-interim injunction passed by the trial Court with the observations that order passed by the trial Court was mainly based upon the report of Local Commissioner, who was not competent to furnish the report regarding the revenue property. While setting aside the order under appeal, a direction was given to the trial Court to decide the application afresh after deciding application for appointment of Local Commissioner on merits. I find that the order passed by learned Addl. District Judge, Jhajjar is well reasoned, based upon proper appraisal of evidence and correct interpretation of law. It is well settled principle of law that the revisional Court should be slow in interfering in the order passed by the Court below, granting or refusing ad-interim injunction and interference is called for, if the order passed is perverse, arbitrary or against the settled legal principles. The order under revision is certainly not of that type. It does not suffer from any illegality or infirmity, much less apparent on the face of it. Thus, finding no merit in the revision petition, the same stands dismissed.

20.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No