

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 8319 of 2019

Date of Decision: 19.2.2020

PYARE LAL AND OTHERS

...Petitioners

Vs.

GRAM PANCHAYAT, VILLAGE BAKHLI

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Chander Shekhar, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. The two Courts below have refused to issue temporary injunction to the plaintiffs in a suit for permanent injunction brought against the Gram Panchayat, so as to continue their possession over 1 Kanal 10 Marlas of Gram Panchayat land. The First Appellate Court has discussed the issues and affirmed the order of the trial court dismissing the application. The plaintiffs assert right of possession coming down for more than 100 years but the Courts have responded holding prima facie that a case of temporary injunction is not made out and interim finding is not in their favour. Courts assert that neither has any document been brought on record nor have they established their capacity as occupants over the suit property. This is sufficient ground to deny temporary injunction in an application under Order 39 Rules 1 & 2 of the CPC and hold that the three ingredients for grant of temporary injunctions are not met in a confluence.

2. There are other reasons as well which persuade me to desist from interfering with the concurrent prima facie findings of both the two courts declining temporary injunction as generally understood an injunction will not issue against the owner. The Gram Panchayat says it is the owner of the disputed property. The plaintiffs-applicants have no proof of title in their hands. The rights of the plaintiffs will be determined in the suit after they lead their evidence. At this interlocutory stage, it is pre-mature to express any opinion on the merits of the case and this is how the three orders, the last one passed today in the present petition, should be understood.

3. No ground for interference is made out. Accordingly, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

19.2.2020

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Whether speaking/reasoned: Yes
Whether reportable : Yes/No