

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1601 of 2021 (O&M)

Date of decision : 17.8.2021

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Bijender @ Bijju and another

.....Petitioners

vs.

Tej Ram and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Vishal Yadav, Advocate for the petitioners.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

According to the case of the plaintiffs they are owners as well as lessee of the suit land situated at village Agwanpur, Tehsil and District Faridabad. Although sister of the plaintiffs, namely, Smt. Kushalwati and their mother Smt. Shanti Devi, were co-lessee alongwith plaintiffs, but they had relinquished their leasehold rights in favour of the plaintiffs vide relinquishment deeds dated 6.2.2018 and 25.11.2019, respectively. According to the plaintiffs, the defendants, not having any right or title of the suit land, threatened to encroach upon the same, giving rise to a cause of action to the plaintiffs to file the suit in question. The plaintiffs relied upon jamabandis for the year 2013-2014, reflecting them as owners in possession, as well as lessee in possession. Vide mutation No. 4932 mother and sister of the plaintiffs have relinquished their rights in

favour of the plaintiffs.

On the other hand, the defendants denied allegations in the plaint. Though they controverted the allegations with regard to their threatening to encroach upon the land bearing Rectangle No.8, Killa No. 9/2, but simultaneously they claimed themselves to be owners in possession of the said land.

In the suit for permanent injunction filed by plaintiffs Tej Ram and another against defendants Bijender Singh @ Bijju and another, an application for grant of ad interim injunction was filed by the plaintiffs. That application, after contest, was allowed by the trial Court of Additional Civil Judge (Senior Division), Faridabad, vide order dated 26.5.2021, holding that plaintiffs have been able to establish prima facie case and irreparable loss would be caused to them if ad interim injunction is not granted to the plaintiffs and further comparative mischief would be caused to the plaintiffs if the application is declined.

Feeling aggrieved by the said order, the defendants preferred an appeal before learned District Judge, Faridabad. The said appeal was marked to Additional District Judge, Faridabad, who vide detailed order dated 11.6.2021, dismissed the appeal, upholding the order passed by the trial Court.

Feeling still aggrieved by such orders, the defendants have knocked at the door of this Court, by way of filing the present revision petition.

I have heard learned counsel for the revisionists, besides

going through the record.

Section 115 of the Code of Civil Procedure, deals with revision. It provides that the High Court may call for the record of any case which has been decided by any Court subordinate to the High Court and in which no appeal lies thereto, and further if such subordinate Court appears--

(a) to have failed to exercised a jurisdiction not vested in it by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity;

the High Court may make such order in the case as it thinks fit.

I find that case of the revisionists is not covered by any of the eventualities in clause (a) to (c) of Section 115 CPC. The impugned orders are quite detailed, well reasoned and do not suffer from any illegality or infirmity, much less, those being perverse, arbitrary or having been passed against settled principles, for grant/refusal of an ad interim injunction.

Thus no interference with such orders by way of exercise of revisional jurisdiction is called for. The revision petition is found to be without any merit and is dismissed accordingly.

17.8.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes/ No
Yes/ No