

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

CR-2617-2021 (O&M)

Date of decision: 03.11.2021

Sukhwinder Singh

....Petitioner

Versus

Punjab Wakf Board, Hoshiarpur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anurag Arora, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff assails the correctness of the order passed by the Wakf Tribunal-cum-Additional District & Sessions Judge, Jalandhar, while dismissing his application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908, for grant of temporary injunction.

The petitioner filed a suit alongwith an application for grant of temporary injunction. He claims to be in possession of 92 kanals 4 marlas land as lessee under the Punjab Wakf Board. He claims that the aforesaid land was leased out by the Punjab Wakf Board to the petitioner in the year 2010. The Punjab Wakf Board contested the suit with the assertion that the lease in favour of the plaintiff has already expired and in fact the plaintiff is not in possession of the suit property. Rather he has handed it over to Sh. Naveen Kumar, resident of Tejpur. It was further pleaded that no lease money has been paid after the year 2012.

Learned Tribunal, after finding substance in the stand of the

Punjab Wakf Board, has dismissed the application.

Learned counsel representing the petitioner contends that the petitioner is in settled possession of the land as a lessee and therefore, the Tribunal has erred in dismissing the application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1900, for grant of temporary injunction.

Before a party is granted the temporary injunction, he is required to prove that he has a prima facie case in his favour and balance of convenience is also in his favour. He is further required to establish irreparable loss and injury, if the injunction is not granted. In the present case, the plaintiff has failed to fulfil the aforesaid mandatory requirements that govern the grant of temporary injunction. The plaintiff has also failed to prove a prima facie case in his favour as he has not paid the lease money for the last 9 years.

The plaintiff has not set up a case that as a lessee he has protection of the provisions of the Punjab Tenancy Act, 1887, or the Punjab Security of Land Tenures Act, 1953.

In view thereof, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

03.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE