

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

122

CR-2907-2021

Date of Order: 23.11.2021

JUGAL KISHORE AND ORS

..Petitioners

Versus

SHAM LAL

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.K. Saini, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

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

Through this revision petition filed under Article 227 of the Constitution of India, the defendants (petitioners herein) assail concurrent orders passed by the trial Court as well as the First Appellate Court while allowing application filed by the plaintiff for grant of temporary injunction restraining the defendants from interfering in his peaceful possession. It is the case of the plaintiff that his father was running a business of trading in scrap who died on 25.09.2006 and the plaintiff started a eating joint under the name of Sharma Dhaba. The plaintiff also claims that he is regularly paying licence fee to the Municipal Corporation, Jalandhar. The plaintiff asserts that defendant No.1 is his uncle and during outbreak of Covid-19 pandemic, he had permitted his uncle to park his cart (*Rehri*). The plaintiff further asserted his request, and on his doing so, the defendant stopped parking his cart but now the defendants have started asserting the right. The defendants contested the suit on the ground that there is settlement between the parties dated 30.09.2020, in which the suit property had come to his share.

The learned trial Court in the beginning ordered status-quo.

Subsequently, the plaintiff produced on file a copy of the CCTV footage which shows that the defendants broke open the locks of the shop. The Police after investigation also found merit in the complaint submitted by the plaintiff. Both the Court on examining the visuals of pen drive have found that the defendants did broke open the locks.

The learned counsel representing the petitioners contend that the petitioners are in settled possession for the last 40 years. He hence contends that the Courts have erred in granting injunction against the petitioners.

On a Court question, the learned counsel representing the petitioners failed to support his contention with the material.

Still further, on reading of impugned orders passed by the Courts below it is apparent that the defendants did not rely upon any material to prima facie prove that they are in continuous possession for the last 40 years.

The scope of revision jurisdiction under Article 227 of the Constitution of India is limited.

The learned counsel representing the petitioners failed to draw the attention of the Court to any substantive error or perversity in the impugned orders.

Dismissed.

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

November 23, 2021

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**(ANIL KSHETARPAL)
JUDGE**

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