

**CR-2865 of 2016(O&M)
and 2 other connected cases**

-1-

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

(1)

**CR-2865 of 2016(O&M)
Date of Order: 09.05.2022**

Residents Welfare Association and another

..Petitioners

Versus

Jagdish Kaur (deceased) through LR's and another

..Respondents

(2)

**CR-2867 of 2016(O&M)
Date of Order: 09.05.2022**

Punjab Urban Development Authority (PUDA), Patiala

..Petitioners

Versus

Jagdish Kaur (deceased) through LR and others

..Respondents

(3)

**CR-2868 of 2016(O&M)
Date of Order: 09.05.2022**

Punjab Urban Development Authority (PUDA), Patiala

..Petitioners

Versus

Gurcharan Singh

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Vijay Sharma, Advocate
for the petitioners (in CR No.2865 of 2016)**

**Mr. R.S.Khosla, Sr. Advocate, with
Mr. Aman Sharma, Advocate
for the petitioner(in CR-2867 & 2868 of 2016)**

**Mr. Aakash Singla, Advocate
for LR's of respondent no.1.**

ANIL KSHETARPAL, J(Oral)

These three revision petitions i.e. Civil Revision No.2865, 2867 and 2868 of 2016 have been filed challenging the order passed by the learned First Appellate Court while granting temporary injunction.

The trial Court dismissed the application under Order 39 Rule 1 & 2 CPC for grant of temporary injunction during the pendency of the suit that was filed for grant of decree of perpetual injunction. However, the First Appellate Court, after noticing that the Punjab Urban Development Authority (PUDA) has failed to produce any material to prove that the suit land was acquired in accordance with law, granted the injunction.

Two revision petitions have been preferred by the Punjab Urban Development Authority (PUDA), whereas, one revision petition has been filed by the Residents Welfare Association.

This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

The learned counsel, representing the Punjab Urban Development Authority (PUDA), upon realizing that the material already produced, is insufficient, prays for permission to withdraw the revision petitions with liberty to file an application before the First Appellate Court for modification of the stay order in accordance with Order 39 Rule 4 CPC. Rule 4 of Order 39 CPC enables the Court to discharge, vary or set aside an injunction already granted.

Keeping in view the aforesaid facts, the revision petitions are disposed of with liberty to the petitioners to file an application before the First Appellate Court along with production of sufficient material, to prove

that the land was, in fact, acquired for the public purpose.

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

May 09, 2022
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(ANIL KSHETARPAL)
JUDGE

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