

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 364 of 2018

Date of Decision: 27.10.2022

Sandeep Kumar Goyal

... Petitioner(s)

Versus

Suraj Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner(s).

Mr. Ajit Singh Sodhi, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The petitioner's plaint for grant of decree of permanent injunction restraining the defendant from removing the sand/earth/soil from the property owned by the defendant has been rejected under Order VII Rule 11 of the Code of Civil Procedure, 1908.

2. It is the case of the plaintiff that he entered into an agreement on 28.01.2011 with the defendant to remove the sand/earth/soil from the property of the defendant. Admittedly, the agreement was valid upto 03.04.2015. The petitioner did not completely remove the sand/earth/soil from the property of the defendant in the specified time. Mutually, the period was extended till 30.04.2015 i.e. for a period of 27 days. The petitioner filed a suit on 20.04.2015 for grant of aforesaid injunction. The defendant, after putting appearance, has filed an application for rejection of

the plaint, which was allowed by the Court vide order dated 19.07.2017.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. Now, the term of the agreement is already over. Hence, the plaintiff has no locus to restrain the defendant (the owner) from removing the sand/earth/soil. At the most, the plaintiff while claiming infringement of the terms and conditions of the agreement, can only file a suit for damages. However, he cannot restrain the defendant, who is the owner, from removing the sand/earth/soil.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, this revision petition is dismissed.

(Anil Kshetarpal)
Judge

October 27, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No