

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

C.R No. 614 of 2022

DATE OF DECISION : 23.02.2022

Moorti @ Murti

...Petitioner

versus

Salim Khan and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. A. P. S. Rehan, Advocate,
for the petitioner.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Petition herein under Article 227 of Constitution of India is for setting aside the impugned order dated 02.11.2021 (Annexure P-6) passed by Civil Judge (Junior Division), Moga, whereby application filed by the petitioner/plaintiff under Order 39 Rules 1 and 2 CPC for grant of interim injunction has been dismissed. Further prayer has been made for setting aside the judgment dated 27.01.2022 (Annexure P-8) passed by District Judge, Moga, whereby appeal against the order dated 02.11.2021 (Annexure P-6) has been dismissed.

2. Succinct facts, as narrated are that suit property is residential in nature and the petitioner being owner in possession of the suit property filed a suit for permanent injunction for restraining the respondents from interfering in her peaceful possession. Petitioner filed application under Order 39 Rules 1 and 2 CPC for grant of interim injunction, which has

been dismissed vide orders dated 02.11.2021 (Annexure P-6) upheld in appellate order dated 27.01.2022 (Annexure P-8).

3. Learned counsel for the petitioner submits that from the copies of electricity bills, water bills, original site plan, it is clear that petitioner is owner in possession of the suit property and the learned Courts below have non-suited the petitioner/plaintiff without appreciating the evidence available on record.

4. I have heard learned counsel for the petitioner and have gone through the case file carefully.

5. The respondents have categorically taken a stand in their written statement, relevant whereof is reproduced herein below :

“4. Xxxxx The defendants have no dispute with the plaintiff regarding suit land. The plaintiff has arrayed as defendant intentionally to obtain the stay order. The true owner of suit land to Gram Panchayat, Takhanwadh, which has not been made party to the suit.”

6. In view of the aforesaid, no grounds for interference are made out.

7. Dismissed. However, the petitioner is at liberty to implead the Gram Panchayat, Takhanwadh, Tehsil Moga, if so advised.

8. It is expected of the respondents not to create any hindrance in the suit land since it is their own case that they are not owners of the suit property.

FEBRUARY 23, 2022
Shalini

(ARUN MONGA)
JUDGE

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