

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

CR No. 1114 of 2021

DATE OF DECISION :- December 08, 2022

Viney Kumar

...Petitioner

Versus

Municipal Corporation Ambala City and another ...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. J.S. Cooner, Advocate for the petitioner.

Mr. Sanjay Jain, Advocate for respondent No. 2.

Mr. Gaurav Jindal, Advocate has filed vakalatnama for respondent No. 1, which be taken on record. The earlier counsel representing such respondent has been elevated to the Bench.

Briefly stated facts of the case are that plaintiff Viney Kumar had filed a suit against Municipal Corporation, Ambala as well as Amit Ahuja defendants seeking issuance of a decree for mandatory injunction directing defendant No. 1 to remove illegal seal placed on shops No. 6 and 7 near Ambika Devi Mandir, Police Post No. 3 Old Civil Hospital, Ambala City as well as decree for permanent injunction restraining the defendants from interfering in possession of the plaintiff over the shops in suit. Along with the suit he had moved application for grant of ad-interim injunction. Notice of the suit as well as application was given to defendants, who put in appearance. Vide order dated 1.2.2021 the application for grant of ad-interim injunction filed by the plaintiffs was dismissed observing that the

relief with regard to ad-interim injunction has become infructuous because the shops in question have since been sealed by Municipal Corporation, Ambala on 25.11.2020 thereby showing that plaintiff is not in possession of the suit property and has already been dispossessed from the shops in question. It has further been observed by the trial Court that plaintiff is not a tenant of defendant No. 1 rather tenant is defendant No. 2 Amit Ahuja. In that way plaintiff was not entitled to issuance of any notice before sealing of the shops in suit. It has further been observed that defendant No. 2 who is actually tenant of defendant No. 1 has been evicted by defendant No. 1 by giving notice after following proper procedure. With regard to the judgment referred to by the plaintiff dated 4.7.2017 passed by then Additional District Judge, Ambala, the said order was not against defendant No. 1. As a matter of fact, defendant No. 1 was not a party to that litigation, therefore, plaintiff cannot take advantage of the same. In view of the factual position, plaintiff was not found entitled to grant of ad-interim injunction. The request of the plaintiff for issuance of direction to defendant No. 1 to desal suit property was also found to be without substance and rejected. The application was dismissed vide order dated 1.2.2021. The plaintiff had preferred an appeal against that order before District Judge, Ambala which was assigned to Additional District Judge, Ambala, who vide judgment dated 19.3.2021 dismissed the same.

Feeling aggrieved, the plaintiff has approached this Court by way of filing Revision Petition praying that the orders passed by the Courts below be set aside and ad-interim injunction as prayed for in the application filed by him be granted to him.

Notice of revision petition had been given to the respondents, who had put in appearance.

I have heard learned counsel for the petitioner and learned counsel for the respondents besides going through the record.

I find that both the orders/judgment passed by the trial Court and First Appellate Court are quite detailed, well reasoned, based upon proper appraisal and appreciation of the factual and judicial position and do not suffer from any illegality or infirmity much less apparent on the face of it which might have called for interference by this Court while exercising revisional jurisdiction.

The revision petition stands dismissed accordingly.

(H.S. MADAAN)
JUDGE

December 08, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No