

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

**CR-1864-2022 (O&M)  
Date of decision : 21.09.2022**

Yash Pal Batra

... Petitioner(s)

Versus

Sushil Adhana & Ors.

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Gaurav Tyagi, Advocate for the petitioner.

**ALKA SARIN, J.** (ORAL)

The present revision petition under Article 227 of the Constitution of India has been filed impugning the orders dated 02.09.2019 and 16.03.2022 dismissing the application filed by the plaintiff-petitioner under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).

The brief facts relevant to the present *lis* are that the plaintiff-petitioner filed a suit for declaration with consequential relief of permanent injunction and mandatory injunction averring therein that he is running a confectionery shop in the name of J.N. Batra Confectionery being Shop No.1, B.K. Chowk, NIT, Faridabad since the last 35 years. It was further averred that an adjoining booth has been allotted by defendant-respondent Nos.2 and 3 to defendant-respondent No.1 for selling different products of Vita Dairy like milk, curd and milk products etc. It was further averred that defendant-respondent No.1 was selling different items than those permitted by defendant-respondent Nos.2 and 3. Along with the plaint, an application under Order 39 Rules 1 and 2 CPC was also filed. The Trial Court vide

impugned order dated 02.09.2019 dismissed the application filed by the plaintiff-petitioner. Aggrieved by the said order, an appeal was preferred which was also dismissed vide order dated 16.03.2022. Hence, the present revision petition.

Learned counsel for the plaintiff-petitioner would contend that the business of the plaintiff-petitioner has adversely been affected as the defendant-respondent No.1 is selling products which are not permissible under the contract between defendant-respondent No.1 and defendant-respondent Nos.2 and 3.

Heard.

In the present case the only grouse of the plaintiff-petitioner is that his business is being affected due to the violation of a contract between defendant-respondent No.1 and defendant-respondent Nos.2 and 3. Learned counsel for the plaintiff-petitioner has not been able to show any violation of any contract between the plaintiff-petitioner and defendant-respondent No.1. If at all there is any grouse, it would be for the defendant-respondent Nos.2 and 3 to approach the Court or to resort to their remedies as available in law. In the order passed by the lower Appellate Court it has been noticed that defendant-respondent No.3 also conducted a discreet inquiry and all the allegations made by the plaintiff-petitioner were found to be false. The defendant-respondent No.4 i.e. the Commissioner Municipal Corporation, NIT Zone, Faridabad also did not support the allegations as levelled by the plaintiff-petitioner. None of the ingredients of Order 39 Rules 1 and 2 CPC are made out in the present case.

In view of the above, I do not find any illegality or infirmity in the orders passed by the Courts below. The present revision petition which is devoid of any merit is dismissed. Pending applications, if any, also stand disposed off.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Dismissed.

**21.09.2022**  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

NOTE : Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO