

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

CR No.2075 of 2022

Date of Decision: 24.05.2022

Bharat Bhushan

.....Petitioner

Versus

Hari Bansal and others

.....Respondents.

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Devender Kumar, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 05.05.2022 (Annexure P-7) handed down by learned Additional District Judge, Palwal (for short 'the Lower Appellate Court') whereby the appeal preferred by respondents No.1 to 5 (here-in-after to be referred as 'the defendants') to assail the order dated 11.03.2022 (Annexure P-5) passed by learned Civil Judge (Junior Division), Hodal (for short 'the trial Court'), has been allowed, the petitioner-plaintiff (here-in-after to be referred as 'the plaintiff'), has filed the instant revision petition.

2. The plaintiff filed the civil suit against the defendants for seeking a decree for permanent injunction restraining them (defendants) from raising any new construction in the suit property and from alienating or sub-letting the same to anyone else except him. Along-with the suit, he also moved an application under Order 39 Rules 1 and 2 read with Section 151 CPC for seeking the relief of *ad-interim* injunction. Vide order

Annexure P-5, the trial Court partly allowed the above-said application by restraining the defendants from alienating and sub-letting the suit property without the permission of the Court. However, the appeal preferred by the defendants to lay challenge to the said order has been allowed by the Lower Appellate Court vide the impugned order Annexure P-7 while dismissing the above-mentioned application.

3. I have heard learned counsel for the petitioner-plaintiff in the present revision petition and have perused the file carefully.

4. The plaintiff has sought the relief of injunction while claiming himself to be in possession over the suit property as a statutory tenant. However, the rent receipt Annexure P-8, as placed by him on the file to substantiate the afore-said fact, pertains to the year 2002 and is purported to have been issued by one Ramwati, who is not even a party to the present litigation. Thus, it is explicit that the plaintiff has not been able to *prima-facie* show his right or interest in the suit property as a statutory tenant so as to seek the relief of *ad-interim* injunction as prayed for by him.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand stands dismissed.

May 24, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No