

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

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**CR-3520-2021 (O&M)
Date of Order: 05.01.2022**

BHOOP SINGH AND ORS.

..Petitioners

Versus

MANGAL RAM AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manish Mehta, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioners are defendants in a suit filed by the plaintiff-respondent for grant of permanent injunction restraining the defendants from interfering in his peaceful possession. An application under Order 39 Rule 1 and 2 CPC filed during the pendency of the suit has been allowed by the trial Court. The appeal filed by the defendants has also been dismissed by the learned First Appellate Court. Both the Courts have concurrently found that *prima facie* the plaintiff has proved his uninterrupted possession on the land for more than last 50 years. The plaintiff in order to prove his possession has produced revenue record from the year 1952 and onwards.

The learned counsel representing the petitioners contend that the defendants (petitioners herein) claim to be in possession and have also filed an application for correction of the revenue record therefore, the Court should have ordered the parties to maintain the status-quo.

After having heard the learned counsel representing the petitioners, in the considered opinion of the Court, there is no substance in the present revision petition. Both the Courts on the basis of material

produced including revenue record from the year 1952-53, have come to a *prima facie* conclusion that the plaintiff is in uninterrupted possession. Merely, because the defendants do not admit the possession of the plaintiff and claim to be in possession, is not sufficient to deny the relief of temporary injunction particularly in absence of evidence to prove that the defendants are in possession of the property. While deciding an application for grant of temporary injunction, the Court on the basis of material produced, is required to pass an order.

In the present case, the defendants have failed to convince the Court with regard to any patent error or material irregularities committed by the Courts below while passing the order. Similarly, mere pendency of the application for correction of the revenue record is not sufficient to deny the relief of injunction to the plaintiff.

In view thereof, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 05, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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