

CR-1793-2023(O&M)

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

CR-1793-2023(O&M)

Date of decision:-22.3.2023

Ajay Gupta and another

...Petitioners

Versus

Avinisha Gupta and others

...Respondents

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

Present: Mr.Kuldeep Singh, Advocate
for the petitioners.

Mr.Inderpreet Singh Kooner, Advocate and
Mr.Gagandeep Singh Virk, Advocate
for the respondent No.1/caveator

H.S. MADAAN, J.

1. In a suit filed by plaintiff Avinisha Gupta against defendants Sakshi Goyal and others for permanent injunction restraining the defendants and persons claiming under them from interfering into the peaceful possession of the plaintiff and also from dispossessing her illegally and forcibly from the tenanted premises i.e. House No.286, Supreme Villas, Sukhmani Enclave, South City, Ludhiana, she had filed an application for grant of ad interim injunction. On getting notice of the suit as well as the application, the defendants had put in appearance and contested the suit and application. Vide a detailed order dated 16.1.2023, the trial Court of Civil Judge(Jr.Divn.), Ludhiana had accepted the application for grant of ad interim injunction and in the process restrained the defendants from interfering into possession of plaintiff and from

dispossessing her from the suit property illegally and forcibly and also creating any kind of hindrance in the ingress and egress of the plaintiff through common passage and in use of common facilities as well as electricity and water supply by the plaintiff till disposal of the suit.

2. Feeling aggrieved, the defendants Ajay Gupta and Shiksha Gupta had preferred an appeal before District Judge, Ludhiana, which was assigned to Additional District Judge, Ludhiana, who vide order dated 7.2.2023 dismissed that appeal and upheld the order passed by the trial Court.

3. Still feeling aggrieved, the defendants Ajay Gupta and Shiksha Gupta have approached this Court by way of filing the present revision petition. Though no notice has been issued to the respondent/plaintiff yet Sh.Inderpreet Singh Kooner, Advocate and Sh.Gagandeep Singh Virk, Advocate have put in appearance for the respondent No.1/plaintiff.

4. I have heard learned counsel for the parties besides going through the record and I find that the orders passed by the Courts below are quite detailed and well reasoned and passed keeping in view the necessary ingredients for allowing an application under Order 39 Rules 1 & 2 CPC i.e. plaintiff having a good prima facie case, balance of convenience lying in favour of the plaintiff and plaintiff suffering irreparable loss and injury in case of denial of such relief. While holding the plaintiffs to be in possession, the Courts below have referred to copies of various documents placed on record i.e. photographs, copies of Adhar card of plaintiff, her husband and minor son, copy of passport of minor

son of plaintiff etc. The version set up by the defendants that plaintiff along with her family members had already left the suit property in the month of October, 2022 and in support of that contention certificate issued by Vice-President of Sukhmani Enclave Bhaichara (Registered) and affidavits furnished by different residents of Sukhmani Enclave were considered but not found to be worthy of reliance. The inquiry report conducted by the police on a complaint submitted by Gautam Gupta, husband of the plaintiff finding the plaintiff and her family to be in possession of the suit property was also taken into consideration by the Courts below in addition to other factors.

5. I do not see any reason to interfere with such orders by exercising revisional jurisdiction. The law is well settled that the revisional Court is not to interfere unless the orders passed by the Courts below are perverse, arbitrary or in violation of settled legal position. No such infirmity is found to be there with the impugned orders.

6. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

22.3.2023

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No