

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

(123)

CR-2259-2023

Date of Decision : April 17, 2023

Krishan**.. Petitioner****Versus****Jaswant and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vikram Singh, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Present civil revision petition has been filed challenging the order dated 12.01.2023 (Annexure P-4) by which, the application filed by the petitioner-plaintiff under Order 39 Rule 1 and 2 of the CPC for the grant of interim order was dismissed as well as the order passed by the lower Appellate Court dated 21.03.2023 (Annexure P-5) by which, the appeal preferred against the order dated 12.01.2023 (Annexure P-4) has also been dismissed.

Learned counsel for the petitioner-plaintiff submits that the the alienation of land in question will create third party right, hence, it would have been appropriate that the Court below directed maintaining of status quo qua the suit property.

In this regard, it may be noticed that the grant of interim relief under Order 39 Rule 1 and 2 of the CPC depends upon the facts and circumstances of each case and the irreparable loss if any to be caused to a party to the litigation coupled with the balance of convenience.

Once, the said factum has been taken into account by the Courts below while passing the impugned orders, merely on the apprehension that third party right will be created, is no ground to pass an interim order in the favour of the petitioner-plaintiff.

No perversity in the impugned orders have been pointed by the learned counsel for the petitioner and the same are only interim orders and the suit filed by the petitioner-plaintiff will be decided on the basis of the evidence which will come on record, hence, no interference is called for by this Court in the present civil revision petition.

Dismissed.

April 17, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No