

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

CR-2675-2020(O&M)

Date of decision:-11.4.2023

Dayal Chand

...Petitioner

Versus

Gram Panchayat, Koolpur and others

...Respondents

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

Present: Mr.Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr.S.S. Dinarpur, Advocate
for the respondents No.2 and 3.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 19.11.2020 passed by Civil Judge (Jr.Divn.), Yamuna Nagar at Jagadhri vide which he had dismissed an application for grant of ad interim injunction filed by the plaintiffs Dayal Chand etc. as well as order dated 8.12.2020 passed by Additional District Judge, Yamuna Nagar at Jagadhri vide which the appeal filed by the plaintiffs had been dismissed.

2. Briefly stated, facts of the case are that plaintiff Dayal and six others, all residents of village Koolpur, Tehsil Jagadhri, District Yamuna Nagar had brought a suit against defendants i.e. Gram Panchayat, Koolpur, Tehsil Jagadhri, District Yamuna Nagar through its Sarpanch as well as Jitender and Jaswinder Singh, residents of village Koolpur, Tehsil Jagadhri, District Yamuna Nagar, seeking a declaration that field book of

Gram Panchayat, Koolpur, Tehsil Jagadhir has not been prepared as per law and Rules as provided in the Haryana Panchayati Raj Act 1994 (Amended upto date) and Naksha Abadi Deh of village Koolpur prepared on the basis of field book is not in accordance with law and further both the field book and naksha abadi are illegal, null and void; in addition to that seeking a decree for permanent injunction restraining the defendants from getting the plaintiffs evicted on the basis of such documents from the suit property situated at village Koolpur.

3. In that suit the plaintiffs claimed that they along with proforma defendants No.4 to 7 are in possession of the suit property since time immemorial using the same as Gitwar/Bara/Kurdi/Guhara and manure pits. Along with the suit, the plaintiffs had filed an application for grant of ad interim injunction.

4. The suit as well as application were contested by the defendants No.1 to 3.

5. After hearing arguments, the trial Court of Civil Judge(Jr.Divn.), Yamuna Nagar at Jagadhri vide the impugned order dated 19.11.2020 dismissed the application for grant of ad interim injunction.

6. Feeling aggrieved, the plaintiffs had preferred an appeal before District Judge, Yamuna Nagar at Jagadhri, which was assigned to Additional District Judge, Yamuna Nagar at Jagadhri, who vide order dated 8.12.2020 dismissed the same, in the process affirming the order passed by the trial Court.

7. Still feeling dissatisfied, plaintiff No.1 Dayal Chand has knocked at the door of this Court by way of filing the present revision

petition.

8. Notice of the revision petition was given to the respondents. Initially respondents No.1 to 3 have put in appearance through counsel. However, later on there was no representation on behalf of respondent No.1.

9. I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no merit in the revision petition.

10. Both the Courts below considering the pleadings of the parties, the documents relied upon by them as well as settled legal position have come to the conclusion that plaintiffs have failed to show as to how and in what capacity they are in possession. The plaintiffs were not found to have a good prima facie case, balance of convenience was also not found to be in their favour, thus there was no question of suffering any irreparable loss or injury in case of denial of ad interim injunction to the plaintiffs. Therefore, the prayer for grant of ad interim injunction by the plaintiffs was declined.

11. The well settled law on the subject is that ad interim injunction is a discretionary equitable relief, which is to be granted by the Court if the plaintiff/applicant is successful in establishing that he has got a good prima facie case, balance of convenience lies in his favour and he shall suffer irreparable loss or injury in case of denial of at interim injunction.

12. The Courts below have exercised the discretion in a very judicious and appropriate manner without there being any element of

arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned orders by way of exercising the revisional jurisdiction.

13. 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.

11.4.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No