

2024:PHHC:112611



S. No.121

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.4939 of 2024

Date of Decision:30.08.2024

Balaji Trading Company Hathin,
District Palwal

.....Petitioner

Vs.

Narender Singh and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Panwar, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Application under Order 39 Rules 1 and 2 CPC read with Section 151 CPC, seeking temporary injunction, moved by plaintiff – Narender Singh Soni (*now respondent No.1*) was rejected by the trial Court vide order dated 10.02.2021 (*Annexure P7*). However, the appeal filed by him has been accepted by the learned Additional District Judge, Palwal vide impugned order dated 30.05.2024 (*Annexure P9*), restraining defendant No.1 – Market Committee Hathin (*now respondent No.2*) from renewing the licence in favour of defendant No.2 - Balaji Trading Company Hathin (*petitioner herein*).

2. Assailing the afore-said order, it is contended by learned counsel that the other co-sharers of the property in dispute were not impleaded as party and that plaintiff- respondent No.1 was not the sole owner of the property.

3. I have considered the submissions of learned counsel for the petitioner and have perused the paper book.

4. The disputed property is Shop No.7 in Anaj Mandi, Tehsil Hathin. The said shop was allotted to Shri Shambhu Dayal, the predecessor-in-interest of plaintiff- Narender Singh Soni. On the death of Shambhu Dayal, plaintiff along with his siblings and mother inherited the property. One Rakesh Kumar filed a suit for declaration claiming title and possession of the suit property but that suit was dismissed way-back on 31.03.2012. Thereafter, another suit was filed by one Pawan Kumar against Market Committee and successor-in-interest of Rakesh Kumar. That matter was ultimately compromised and the successors of the deceased- Shambhu Dayal were admitted to be owners of the suit property. The



Court directed the Market Committee, Hathin to execute the conveyance deed in favour of the legal heirs of the deceased- Shambhu Dayal.

5. As plaintiff came to know that defendant No.1 – Market Committee Hathin had issued the licence in favour of Balaji Trading Company, Hathin, in respect of the shop in dispute, he brought a suit for permanent injunction.
6. The stand of the petitioner – defendant No.2 was that he was the tenant under Rakesh Kumar.
7. Once it has been found that suit filed by Rakesh Kumar had been dismissed way back on 31.03.2012 and the petitioner alleged to be tenant under Rakesh Kumar, obviously, he cannot claim any independent right. Since Rakesh Kumar is found to have no right, title or interest in the suit property, therefore, the learned Appellate Court did not commit any error in allowing the application under Order 39 Rules 1 and 2 CPC filed by the plaintiff- respondent No.1.
8. As such, holding the present revision to be devoid of any merit, the same is hereby dismissed.

August 30, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No