

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8401-2018(O&M)
Date of decision :18.03.2024

M/s Manglam Multiplex Private Limited ...Petitioner

Vs.

Raju and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. K.S. Nalwa. Advocate
for respondent No.1.

Ms. Amandip Kaur, Advocate for
Mr. Amit Jain, Advocate
for respondent No.4.

ANIL KSHETARPAL, J.(Oral)

1. In this revision petition the correctness of concurrent orders passed by the Courts below while refusing to grant temporary injunction to the plaintiff is challenged. The petitioner herein is stated to be the developer and organizer. It filed a suit for grant of decree of declaration with consequential relief of permanent injunction and along with the plaint, a separate application for grant of injunction was filed, which was dismissed by both the Courts below.

2. On 10.12.2018, while issuing notice of motion, the following order was passed:-

“Learned Senior counsel for the petitioner contends that the plaintiff/petitioner has purchased 8 Kanals 6 Marlas of land from its owner Ho Ram/defendant No.4 in

the suit vide sale deed dated 31.03.2010 for a consideration of Rs.2,65,00,000/-. Name of defendant No.1 on the basis of sale deed dated 04.04.1990 was never given effect in the revenue record. Even the land was partitioned in the year 2006, the possession of the petitioner was never objected to by defendant No.1. Petitioner after obtaining licence for developing the land in question has already developed a colony on the land including the suit land. In the suit for declaration and permanent injunction filed by the plaintiff/petitioner, defendant has set up a counter claim for declaring the sale deed dated 31.03.2010 to be illegal and also for directing the plaintiff to put the counter claimant in the actual possession of the suit land.

Notice of motion for 10.04.2019.

Till the next date of hearing, status quo regarding possession over the suit land be maintained by the parties.”

3. This order has continued to operate during the pendency of the revision petition. An application has been filed by the plaintiff to claim that the defendant No.1-Raju purchased 18 marlas of land but the same was sold on 07.08.1990 in favour of Sabia Khan, Nishant Kumar and Rajvir Singh Yadav. However, this sale deed has not been produced before the Courts below.

4. A copy of the sale deed is sought to be produced for the first time in this revision petition.

5. The suit was filed in March, 2015. The same is pending before the trial Court for the last 9 years. At this stage, it would not be appropriate for the High Court to entertain a fresh document, which was not produced before the Courts below. However, the dispute is with regard to correctness of order refusing temporary injunction.

6. Keeping in view the aforesaid facts, it is considered appropriate to permit the plaintiff to file a fresh application for grant of injunction after producing the copy of sale deed before the trial Court. If such application is filed, the Court will decide the same uninfluenced by the observations made in the previous orders. Let the trial Court pass the fresh order within a period of two months. Till then, the interim order dated 10.12.2018 shall continue to operate.

7. The petition stands disposed of.

18.03.2024

neeraj

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(ANIL KSHETARPAL)
JUDGE

No
No