



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2694 of 2024 (O&M)

Date of Decision: 27.03.2025

Smt. Kamlesh

... Petitioner(s)

Versus

Satish Baghel and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rakesh Kumar Sharma, Advocate
for the petitioner(s).

Mr. Vibhu Agnihotri, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The plaintiff's suit for declaration with consequential relief of permanent injunction is pending before the Court of first instance. Along with the suit, she filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 for grant of temporary injunction restraining the defendants from interfering in his possession or demolishing the construction.

2. Both the Courts below declined to grant injunction as the petitioner was found to have illegally occupied the defendants' property. In other words, the plaintiff was found encroacher of the defendants' property. Thus, both the Courts below have applied three well known tests, namely, (i) *prima facie* case, (ii) balance of convenience and (iii) irreparable loss.

3. The learned counsel representing the petitioner submits that the

defendants purchased the property after the plaintiff constructed the shops. He further submits that the petitioner can be dispossessed only in due course of law.

4. This Court has considered the submissions of the learned counsel representing the petitioner, however, finds no merit therein.

5. While exercising the revisional jurisdiction, this Court is required to evaluate, analyze and approve or reject the orders passed by both the Courts below. In the absence of perversity, the Revisional Court is not expected to interfere.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

March 27, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No