



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

121

CR-2968-2024 (O&M)

Date of Decision : 28.03.2025

VIDHYA RANI

.... Petitioner

VERSUS

RAJ RAWAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Ghangas, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 08.05.2023 (Annexure P-7) passed by the learned Civil Judge (Junior Division), Panipat and the order dated 01.03.2024 (Annexure P-8) passed by the learned Additional District Judge, Panipat whereby the application under Order 39 Rules 1 and 2 CPC filed by the plaintiff-petitioner was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner filed a suit for a decree of permanent and mandatory injunction averring therein that defendant-respondents No.1 and 2 were constructing illegally and against the sanctioned plan. The Haryana Shahari Vikas Pradhikaran (HSVP), Panipat has been impleaded as defendant-respondent No.3 who had filed a written statement stating therein that if any illegality or violation of byelaws is found then the occupation completion certificate would not be granted to the allottee concerned. The prayer in the application

under Order 39 Rules 1 and 2 CPC read with Section 151 CPC is for restraining the defendant-respondents No.1 and 2 from raising any type of construction or illegal construction against the rules and regulations as also for mandatory injunction directing defendant-respondents No.1 and 2 to remove or demolish the unauthorized construction. Reply was filed to the said application. Vide the impugned order dated 08.05.2023 the Trial Court dismissed the said application. Aggrieved by the same an appeal was preferred by the plaintiff-petitioner, which appeal was also dismissed vide order dated 01.03.2024 passed by the First Appellate Court. Hence, the present revision petition by the plaintiff-petitioner.

3. Learned counsel for the plaintiff-petitioner would contend that in the present case the construction being raised is against the sanctioned plan and that inferior quality material is being used by defendant-respondents No.1 and 2 while raising construction and hence injunction ought to have been granted as the plaintiff-petitioner's house is adjacent to the house under construction by defendant-respondents No.1 and 2.

4. Heard.

5. In the present case the plaintiff-petitioner is seeking an ad-interim injunction for restraining defendant-respondents No.1 and 2 from raising construction over the suit property. It is not the case of the plaintiff-petitioner that defendant-respondents No.1 and 2 are not owners of the plot where there are constructing.

6. On a query put by the Court as to whether any damage had been caused to the property of the plaintiff-petitioner while raising of the

construction by defendant-respondents No.1 and 2, learned counsel for the plaintiff-petitioner has candidly admitted that no damage had been caused to the property of the plaintiff-petitioner.

7. It is trite that in order to grant temporary injunction, the plaintiff has to make out a *prima facie* case, the balance of convenience has to be in his favour and the plaintiff has to show that irreparable injury or harm would be caused to him in case the injunction is not granted in his favour. Neither it is a case that the construction has been raised on any portion of the area owned by the plaintiff-petitioner nor is it a case that any damage had been caused to the building of the plaintiff-petitioner. Defendant-respondent No.3 (HSVP) has taken a specific stand in the written statement that if any violation in the building byelaws is found, no occupation certificate would be issued to the allottee concerned. The plaintiff-petitioner has neither been able to show a *prima facie* case in his favour nor the balance of convenience is in his favour. Even no irreparable loss has been shown which would be caused to the plaintiff-petitioner.

8. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

9. Any observation made herein shall not be treated as an expression of opinion on the merits of the case.

28.03.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No