

CR-7207-2023 (O&M)

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

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CR-7207-2023 (O&M)

Date of Decision: 29.04.2025

Ajaib Singh

... Petitioner

Vs.

Gurmeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishal Goel, Advocate for the petitioner.

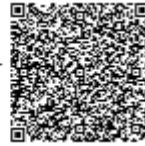
Mr. Swarn Tiwana, Advocate
for respondent No.1.

Service of respondents No. 2 to 11 was dispensed with
vide order dated 01.12.2023.

SUVIR SEHGAL J.

1. Petitioner-plaintiff has assailed order dated 14.11.2023, Annexure P-7, passed by the learned Civil Judge (Junior Division), Patiala, whereby an application filed under Order 39 Rule 4 CPC by respondent-defendant has been accepted.

2. Counsel for the petitioner submits that the petitioner-plaintiff filed a suit for permanent injunction restraining respondent No.1/defendant No.1 or any person claiming through him from changing the nature and for raising any construction on the suit land and by ex-parte order dated 23.10.2023, Annexure P-2, trial Court restrained the defendants from changing the nature of the suit property. He states that upon being served, defendant No.1, filed an application under Order 39

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Rule 4 CPC, Annexure P-3, for vacating the ex-parte stay order, which was preponed and by the impugned order, it has been accepted. Counsel urges that the petitioner was not given any opportunity of hearing and that the impugned order has been passed without appreciating the factual position. Opposing him, counsel for respondent No.1 urges that the plaintiff had not approached the Court with clean hands and by suppressing previous litigation, succeeded in getting the restraint order against the defendant No.1.

3. Having heard counsel for the parties, this Court is of the view that there is no merit in the revision petition. A suit, Annexure P-1, has been filed by the plaintiff for restraining the respondents from changing the nature of land measuring 78 bighas 7 biswas spread over various khewat numbers in Tehsil Dudhan Sadhan, District Patiala. Plaintiff did not disclose that at an earlier point of time, a civil suit for the same relief was filed for a portion of the property i.e. khasra No.138 measuring 0-2 biswas. The suit was filed by the plaintiff against the father of defendant No.1 and after his death, present suit has been filed. The previous suit is still pending and the plaintiff did not succeed in getting an interim order from the trial Court. Plaintiff suppressed the filing of the previous suit and even failed to give any declaration to the effect that no such or similar litigation has ever been filed between the parties. By keeping the Court in the dark, he got an interim order in his favour.

4. It is the duty of a party, who approaches the Court, to place before the Court the entire gamut of facts leading to the filing of the suit



so as to enable the Court to analyze them and to arrive at a conclusion. A litigant, who tries to hoodwink the Court, conceals and withholds crucial facts, is not entitled to any relief. As plaintiff had suppressed vital facts and succeeded in getting an interim order, Court has rightly vacated the stay order by virtue of the order under challenge herein, after considering his reply and hearing his counsel.

5. There is no illegality or impropriety in the order passed by the trial Court. No interference is called for in the instant revision petition, which is dismissed.

6. Pending miscellaneous application(s) stands disposed off.

29.04.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No