
(2010) 11 P&H CK 0306
In the Punjab And Haryana At Chandigarh
Case No : CR No. 7472 of 2010 (O and M)

Shri Ravidass Sabha (Regd)	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 17-11-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2

Citation : (2010) 11 P&H CK 0306

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—This is Plaintiff's revision petition challenging the impugned orders whereby its prayer for ad interim injunction restraining the Defendant-Respondents from interfering into their possession during the pendency of the suit, has been declined.

2. It is not in dispute that as per the demarcation report dated 18.3.1998 which has been relied upon by the Petitioner itself, the suit land belongs to Defendant-Respondent No. 4. However, the relief is being claimed by the Petitioner against Defendant No. 1 to 3 only, in spite of the fact that Defendant No. 4, who as per the Petitioner's own case, is the owner of the suit property. It may also be noticed that the injunction is sought against Defendants No. 1 to 3 who have already made a statement before the Court on 3.6.1999 in the earlier suit that the Municipal Committee, Ratia, was not interfering in the possession of Petitioner on the disputed land.

3. In view of the aforesaid statement made on 3.6.1999 in the earlier suit, learned Counsel for the Petitioner has failed to convince this Court as to how in the absence of any relief being sought against Defendant No. 4 the suit (which amounts to second suit for the same relief) was maintainable against Defendants No. 1 to 3.

4. In view of the aforesaid, this Court is of the view that since the suit of the Petitioner itself is not maintainable, no relief can be granted to the Petitioner in this revision petition arising out of an application under Order 39 Rules 1 and 2 CPC in the suit.

Dismissed.