
(1990) 02 RAJ CK 0023
In the Rajasthan High Court
Case No : Civil Rev. Petition No. 183 of 1989

Vijay Singh

APPELLANT

Vs

Dinesh Chandra

RESPONDENT

Date of Decision : 22-02-1990

Acts Referred:

Citation : (1990) 2 WLN 5

Hon'ble Judges : S.M. Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Sobhagmal Jain, J.—Dinesh Chandra, respondent here in, claiming himself to be a tenant of the defendant Vijay Singh, appellant here in, filed a suit in the Court of Munsif & Judicial Magistrate, (South), Udaipur, for permanent injunction to restrain the defendant, from interfering with the plaintiff in the shop situate in 16 Bhamashah Marg The defendants have described it as a garage. On August 3, 1988, the plaintiff also filed an application for temporary injunction. By the order dated August 4, 1988, the Munsif appointed a Commissioner to inspect the site and also directed status quo to be maintained. The defendant filed a reply to the application for interim injunction. After hearing both the parties and taking into account the affidavits and the report of the Commissioner, the Munsif, by the order dated Dec. 8, 1988, granted temporary injunction in favour of the plaintiff restraining the defendant from interfering with the possession of the plaintiff in the suit shop. Against this, the defendant took the matter in appeal before the District Judge, Udaipur, who by the order dated April 21, 1989, dismissed the same. Aggrieved, the defendant has filed the present revision in this Court.

2. After hearing Shri M.C. Bhandari, counsel for the petitioner and Shri N.N Mathur, counsel for the respondent, I do not find sufficient grounds to interfere in revision with the order passed by the learned Courts below. The learned District Judge has, in terms, recorded the findings:

esjh jk; es ;g ekus tkus dk dksbZ vk/kkj ugh gS A fd oknh jsLiskMszV us fookfnr nqdku ij flrEcj 1988 es cyiwoZd uktk;t dCtk fd;k gks cfYd bl LVst ij izFke n`"Vr;k rkSj ij ;g Li"V :i ls tkfgj gksrk gS fd oknh jsLiksMsUV fookfnr nqdku ij izfrokn vihykaV dk fdjk;snkj gksdj ml ij dkfct gS vkSj vkSj bl dkj.k bl rF; dk vafre :i ls fujkdj.k djus gsrq ,d xaHkhj elyk ekStwnk gS fd ftlds fu.kZ; djds rd oknh jsLiksMsUV ds n`"Vr;k ekeys ds vk/kkj ij fookfnr nqdku dk dCtk ;Fkkor cuk;s j[kus gsrq Bksl vk/kkj miyC/k gS D;ksfd oknh jsLiksMsUV dh vksj ls Loa; ds vykok izfrokn vihykaV ds gh nsk vU; fdjk;snkj o lkeus ds nqdkunkj ds "kiFki=rFkk O;kikj eaM+y] VsfyQksu foHkx] o cSd [kkrs dh udy vkfn ,sls nLrkost izLrqr fd;s x;s gS fd ftUgs bl LVst ij lEiw.kZ :i ls udkjk tk ldrk gS u mUgs >wBk ekuk tk ldrk gS D;ksfd bl lcds [k.M+u es izfrokn vihykaV dh vksj ls fdLh rjg dk Loa; vykok dksbZ "kiFk i= ;k nLrkosth lcwr izLrqr ugh fd;k x;k esjh jk; es oknh jsLiskMsUV dh vksj ls bl LVst ij izLrqr fd;s x;s QksVks o fjiksZV dfe"uj dks Hkh laiw.kZ :i ls utjvaant fd;k tkuk pkfg, A fdLh Hkh izdkj ls lqqj{kr vFkok U;k;ksfpr izrhr ugh gksrk fd ftuds vk/kkj ij Hkh fookfnr nqdku dk oknh jsLiskMsUV dk dCtk o"kZ 1984 ls gksuk izdV gksrk gS vkSj bl izdkj izfrokn vihykaV dh vksj ls izLrqr fd;k x;k dksbZ Hkh rdZ o n`"Vkr ekStwnk izdj.k es ifjLFkr;ks dks ns[krs gq, lgk;d ugh gS vkSj esjh jk; es Hkh oknh jsLiksMsUV ds i{k es izFke n`"Vr;k ekeyk bl LVst ij Li"V :i ls ekStwn gS vkSj bl lEcU/k es izfrokn vihykUV dh fjiksZV ij iqfyl o uxj n.Muk;d mn;iqj }kjk tks dk;Zokgh n-iz-la- dh /kkjk 107 o 145 ds izko/kku ds vuqlkj dh x;h gS muls Hkh jsLiksMsUV ds i{k es dksbZ foijhr izHkko iuk ugh ekuk tk ldrk gS A

3. Counsel for the petitioner, was unable to satisfy me that the orders of the learned Courts below suffer from any error of jurisdiction. I do not find any illegality or irregularity committed by the learned Munsif in the exercise of jurisdiction.

4. In the result, there is no force in the present revision and the same is here by dismissed.