



2026 PHHC:008149



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

RSA No.3463 of 2023(O&M)

Date of decision: 14.01.2026

Jarnail Singh

....Appellant

V/s

Balwant Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Aseem Sharma, Advocate, for the appellant.

VIKRAM AGGARWAL, J.

CM-12284-C-2023

Prayer in the present application preferred under Section 151
CPC is for condonation of delay of 437 days in re-filing the appeal.

Heard.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the same is allowed and the delay of 437 days
in re-filing the appeal is condoned.

RSA-3463-2023 (O&M)

This is plaintiff's appeal against the judgment and decree
dated 07.02.2022 passed by the Court of Additional District Judge,
Fatehgarh Sahib, dismissing the appeal against the judgment and decree
dated 22.03.2018 passed by the Court of Civil Judge (Jr. Divn.),
Fatehgarh Sahib, vide which the suit of the plaintiff for permanent
injunction was dismissed.



2. For the sake of convenience and clarity, parties shall be referred to as per their original status.

3. Plaintiff filed a suit for permanent injunction restraining the defendants, their agents and servants from interfering in the peaceful possession of the property (fully described in the plaint) owned by the plaintiff (hereinafter referred to as 'the suit property') and from causing unnecessary interference in the business of animal/piggery farming being done in the suit property.

4. The case set up by the plaintiff was that he was the owner in possession of the suit property, where he was running the business of animal farming and had also constructed a residential house. It was asserted that the defendants, being members of different castes, in order to cause illegal and irreparable loss to him, started threatening to interfere in the peaceful use of the suit property.

5. The suit was contested by the defendants. In the written statement, the factum the plaintiff's ownership of the suit property and construction of his residential house thereon, was admitted. However, it was denied that the plaintiff had been running the business of animal farming for a long time. Rather, it was asserted that the plaintiff was attempting to start the said business in a residential area, which would be unhygienic for the residents and that on account of the waste food, vegetables, and feathers of dead birds being fed to pigs, and waste material lying scattered, an unhealthy and unhygienic atmosphere was likely to be created, leading to the possibility of the spread of deadly diseases. Further, it was averred that the defendants, along with other inhabitants, had submitted representations to the District Health



Authorities and the District Administrative Authorities. The Panchayat had also passed a resolution in this regard and had also issued notice to the plaintiff, but to no avail. It was further averred that repeated requests made by the defendants to the plaintiff to refrain from starting the business of animal farming, did not yield any result. Accordingly, dismissal of the suit was prayed for.

6. In the replication, the averments made in the written statement were denied and those made in the plaint were reiterated.

7. From the pleadings of the parties, the following issues were framed by the trial Court:

“I. Whether the plaintiff is entitled to relief of permanent injunction as prayed for? OPP

II. Whether the suit is not maintainable in the present form? OPD

III. Whether the plaintiff has concealed true and material facts from the Court? OPD

IV. Whether the plaintiff has no locus standi and cause of action to file the present suit? OPD

V. Whether the suit is bad for non-joinder and mis-joinder of proper and necessary parties? OPD

VI. Relief.”

8. Parties led their respective evidence.

9. The trial Court, vide judgment and decree dated 22.03.2018, dismissed the suit. The appeal preferred against the said decision was also dismissed by the Court of Additional District Judge, Fatehgarh Sahib, vide judgment and decree dated 07.02.2022, leading to the filing of the instant appeal.

10. I have heard learned counsel for the appellant.

11. Learned counsel representing the appellant submits that both Courts erred in dismissing the suit filed by the plaintiff. It is submitted



that the plaintiff was running the pig farm on his own land and the defendants, who had no concern with the property of the plaintiff, had been illegally threatening to remove the same. It is further argued that no evidence was led by the defendants to prove that running of the pig farm by the appellant-plaintiff had caused any unhygienic condition or had spread any disease in the area.

12. Learned counsel has also submitted that without there being any evidence on record, both Courts recorded a finding that the pig farm was being run unauthorisedly and without any licence. It is submitted that the plaintiff had filed a simpliciter suit for permanent injunction and under the circumstances, there was no occasion for the Courts to have returned such a finding.

13. I have considered the submissions made by learned counsel for the appellant, but find the same to be devoid of merit.

14. From the evidence on record, it was found by both Courts that the plaintiff had kept pigs in the suit property, where his family members were also residing and that he had also stored waste material for the pigs there. It was found that no doubt, the plaintiff was running a pig farm from his property, but without any authorization or licence issued by any competent authority. It was, thus, found that the running of the pig farm by the plaintiff was in contravention of law and the Rules.

15. Both Courts further found that the defendants had not resorted to any illegal means for removal of the unlicensed and unauthorized pig farm being run by the plaintiff and rather, they had moved representations to the authorities concerned in that regard, which could not be considered to be constituting any threat. The defendants



were well within their rights to avail the remedy as per law and by doing so they had not caused any unlawful or illegal obstructions in the use of the suit property by the plaintiff.

16. As regards the argument that the finding returned by both Courts that the pig farm was being run unauthorisedly and without any licence, the same appears to have been recorded on account of the fact that no permission or licence to run the said pig farm was produced by the plaintiff in his evidence. Once, no such permission was produced, no illegality can be found with the said finding.

17. Both Courts recorded concurrent findings of facts on the basis of evidence on record. Such findings cannot be said to be suffering from any patent illegality or infirmity, which may warrant interference by this Court in the present Regular Second Appeal.

18. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

19. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

January 14, 2026

Rajan/ds

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No