

CR No.109 of 2015
CR No.119 of 2015

[1]

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

(1) **CR No.109 of 2015**
Date of decision:08.01.2015

Dhoom Singh ...Petitioner

Versus

Kalator Singh and others ...Respondents

(2) **CR No.119 of 2015**
Date of decision:08.01.2015

Dhoom Singh ...Petitioner

Versus

Kalator Singh ...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Naresh Jain, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This order shall dispose of two petitions bearing CR No.109 of 2015 titled as “Dhoom Singh v. Kalator Singh and others” (here-in-after referred to as the “first petition”) arising out of Civil Suit No.785 of 25.10.2012 titled as “Kalator Singh v. Dhoom Singh and others” and CR No.119 of 2015 titled as “Dhoom Singh v. Kalator Singh” (here-in-after referred to as the “second petition”) arising out of Civil Suit No.205 of 06.07.2013 titled as “Dhoom Singh v. Kalator Singh”.

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Insofar as the first petition is concerned, the suit for partition was filed by Kalator Singh and in the second petition, Dhoom Singh has filed the suit for permanent injunction. In the first petition, application for temporary injunction was allowed on 04.01.2014, whereas in the second petition, the application for temporary injunction was dismissed on the same day.

Dhoom Singh challenged both the orders by way of two appeals. Both the appeals were decided together by a common order by the Appellate Court holding that the petitioner Dhoom Singh had no right to restrain the respondent(s) from raising any construction as he himself has raised the construction of his house on the land in question without there being any actual partition. There is no error in the said order because it has been held that a co-sharer has no right to seek injunction against other co-sharer and can always ask for partition which has been asked for by respondent Kalator Singh in which the Court has restrained Dhoom Singh from raising construction beyond his share.

Counsel for the petitioner has only argued that as per the site plan, the petitioner requires the land for the purpose of parking in which the respondent Kalator Singh is trying to raise construction.

The petitioner, however, could not answer the query of the Court as to on what basis the petitioner had raised construction on the land without there being any partition by metes and bounds. As a matter of fact, there is no error in the order of the Courts below in both the cases which require an interference by this Court.

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Resultantly, both the revision petitions are hereby dismissed
being denuded of any merit.

January 08, 2015
vinod*

Rakesh Kumar Jain
Judge