

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

(221)

**CR No.1329 of 2014 (O&M)
Decided on: July 28, 2015.**

Kulwant Kaur and others

.... Petitioners

Versus

Surjit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Wadhawan, Advocate
for the petitioners.

M.M.S. BEDI, J (ORAL)

This is plaintiff's revision petition against the orders passed by the Courts below dated 01.03.2013 and 21.10.2013, dismissing their application for interim injunction under Order 39 Rules 1 and 2 CPC. The plaintiff-petitioners has filed a suit against the defendants-respondents restraining them from alienating khasra number beyond the share in the total land measuring 268 kanals mentioned in heading of the plaint.

The claim of the plaintiffs is that the plaintiffs along with the defendants-respondents are co-sharers in the suit land since the time of consolidation and that the forefathers of the plaintiffs and defendants had partitioned the land by way of private family partition and father of the plaintiffs had been allotted land of less value and bad quality due to which father of the plaintiffs was allotted more land being of bad quality with less value.

The Courts below have taken into consideration the documents available on the record, considered the pleadings and arrived at a prima

facie conclusion that the plaintiffs neither have got no prima facie strong case for interim injunction as the defendant-respondent No.1 has been in exclusive possession over the part of the suit property since long nor they have been able to establish some irreparable loss to the plaintiff-petitioners. They also have no balance of convenience in their favour. The rights of the parties are to be decided on the basis of material produced by them by producing evidence.

No ground is made out for interference.

Dismissed.

(M.M.S. BEDI)
JUDGE

July 28, 2015
harsha