

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 2008 of 2015
Date of Decision: 6.4.2015.**

Rajender

.....Petitioner

Versus

Satya Narain Ram Saini alias Kalu Ram Saini

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ashish Gupta, Advocate for
Mr. Vikas Lochab, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the orders dated 5.11.2014 (Annexure P-1) and 13.1.2015 (Annexure P-2).

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Petitioner has filed suit for permanent injunction restraining the defendant from interfering in his peaceful possession qua the plot in question and from demolishing the wall in question. Along with the suit, petitioner moved an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908. Vide the impugned orders, the said application was dismissed by the Courts below. Hence, the present petition by the petitioner.

The Trial Court while dismissing the application has noticed that Kehar Singh was owner of the plot and from his

affidavit, it was evident that petitioner as well as respondent had purchased half share each of the plot owned by Kehar Singh. Local Commissioner, after inspecting the spot, reported that father of the petitioner had agreed that petitioner would construct a joint wall between two plots and the same would be used by the petitioner as well as by the respondent.

Thus, it was evident that the wall in dispute was jointly owned by both the parties. Further, as per the photographs placed on record by the Local Commissioner along with his report, it was evident that no damage had been caused to the wall in question by the respondent. The Courts below, thus, rightly held that since the wall in question was jointly owned by the parties, they could use the same. At this stage, there is nothing on record to suggest that the wall in question has been damaged by the respondent.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 06, 2015
Gurpreet