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

CR No.2025 of 2015

Date of decision: March 23, 2015

Parkash Kaur

.....Petitioner

Versus

Jarnail Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.D. Sharma, Advocate
for the petitioners.

SABINA, J

Petitioner has filed this petition challenging the orders dated 16.12.2014 and 12.02.2015, whereby application of the petitioner under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908 ('CPC' for short) for temporary injunction, was dismissed.

Learned counsel for the petitioner has submitted that petitioner is in possession of Khasra No.30//21 (7-12). Bohar Singh and Bakshish Singh have submitted affidavits Annexures P-6 and P-7 respectively, that petitioner is in possession of the said land.

Petitioner has filed suit for permanent injunction restraining the defendants from dispossessing her from the land measuring 4 Kanals 8 Marlas bearing Khasra No.30//21 (7-12). Alongwith the suit, petitioner filed an application for temporary injunction. The Courts below dismissed the

application of the petitioner vide impugned orders because, as per the revenue record, land in question was shown to be in possession of Bohar Singh and Bakshish Singh. However, the said persons are not party to the suit. Although, petitioner has placed on record affidavits of Bohar Singh and Bakshish Singh (Annexures P-6 and P-7), wherein they have stated that the land measuring 4 Kanals 8 Marlas comes to the share of the petitioner, but at this stage, parties are yet to lead their evidence and the affidavits of Bohar Singh and Bakshish Singh are not relevant for consideration, as they are not party to the suit. The Courts below have thus, rightly dismissed the application moved by the petitioner for temporary injunction as the persons, who are shown to be in possession of the land in question in the relevant jamabandi/revenue record, are not party to the suit.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

March 23, 2015

m.singh