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

CR No.2675 of 2015

Date of decision: April 22, 2015

Khairati Singh

.....Petitioner

Versus

Gurmej Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajwant Singh Chahal, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 07.04.2015, whereby the defendants were restrained from interfering in the peaceful possession of the plaintiff-respondent No.1.

Respondent No.1 has filed suit for permanent injunction restraining the defendants from interfering in his peaceful possession qua land bearing Khasra No.34//4/3 (2-12), 7/1(2-14). Alongwith the suit, an application for temporary injunction was filed. Trial Court vide order dated 23.04.2014 dismissed the application, whereas the appellate court in appeal vide order dated 07.04.2015 restrained the defendants from interfering in the peaceful possession of the plaintiff over the suit land till the final decision of the case.

Learned counsel for the petitioner has submitted that in fact, plaintiff is not in possession of the suit property,

whereas the defendants are in possession of the suit property. In support of his argument, leaned counsel has placed reliance on inspection report dated 11.04.2013, which is reproduced at Page 10 of the petition.

A perusal of the said report reveals that so far as the petitioner is concerned, he is not described to be in possession of the suit property. Rather, petitioner is described to be in possession of Khasra No.34 Rectangle No.4/1 and 4/2. The case of the plaintiff is that the land in question has been partitioned by Court of the Assistant Collector, Second Grade, Jagadhari and all the co-sharers were given separate possession of the suit land as per their share. Since the petitioner is not in possession of the suit land as per inspection report dated 11.04.2013, relied upon by the petitioner, no ground for interference by this Court, is made out, as the impugned order does not adversely affect the petitioner.

Dismissed.

**(SABINA)
JUDGE**

April 22, 2015
m.singh