IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 2799 of 2015 (O&M)
Date of decision: 27.08.2015

Harbans Lal through his LR Raine @ Rani ... Petitioner

versus

Hansu @ Goli and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

K.Kannan, J.

I find no reason for an interference that a person who obtains a purchase of 1/3rd share and gets a decree for an injunction with reference to 1/3rd share. The Court has observed while considering the application for disobedience of the decree for injunction that the suit property itself does not describe properly the specific item of property purchased and it is not possible to find any disobedience of the decree. Appropriate relief for a person who obtained a purchase of an undivided share must only put to sue for partition and if he has elected to issue for injunction and obtained a decree he will have the satisfaction of securing a decree for a declaration of 1/3rd share and cannot obtain to him any benefit of enforcement of the decree complaining disobedience.

The civil revision petition is dismissed with above observations.

(K.KANNAN)
27.08.2015 **JUDGE**
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