

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.303 of 2015
Date of decision:26.02.2015

Annu

....Petitioner

Versus

Sunita & others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr.Rohan Sharma, Advocate, for
Mr.Vikram Singh, Advocate, for the petitioner.

G.S.Sandhawalia J.(Oral)

Challenge in the present revision petition, by the petitioner-defendant No.2, is to the concurrent findings of the Courts below wherein interim injunction has been granted to respondent No.1-plaintiff. The petitioner along with her husband, respondent No.2 herein, have been restrained from interfering in the plaintiff's possession over the suit land. The Trial Court has, however, placed a condition on the plaintiff to file an affidavit regarding the total yield of the suit land and the payments received by selling the yield and also to furnish the indemnity bond to the market value of the produce, as security.

The factum of the plaintiff having purchased 6 kanals 5 marlas 5 sarsahi of land from respondent No.2, by virtue of a sale deed dated 16.09.2013, is not disputed. On feeling threatened by the acts of the defendants, the injunction application was filed and the defence taken by the present petitioner was that the husband of the petitioner was not competent to sell the land without legal necessity as the land was joint.

The Courts below noticed that the factum of earlier suit filed by the husband on behalf of the minor children of the present petitioner, for the same

final disposal. Resultantly, the Courts below have found a *prima facie* case in favour of the respondent No.1-plaintiff, who is admittedly the owner of the property and was in possession and was cultivating and her possession was interfered on such an account. Balance of convenience being in her favour and injunction having not been granted, irreparable loss would be caused to her. The Courts below were, thus, well justified in protecting the interests of the plaintiff-respondent No.1.

Accordingly, the orders impugned do not warrant any interference of this Court under Article 227 of the Constitution of India and the present revision petition is, hereby dismissed.

26.02.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE