

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 2840 of 2015

Date of Decision: July 21, 2015

Pardeep Singh @ Paramdeep Singh and others

.....Petitioners

Vs.

Surjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Gurcharan Singh, Advocate
for the petitioners.

Mr. D.S. Gurna, Advocate
for the respondents.

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M.M.S. BEDI, J. (ORAL)

This is defendants' revision petition against the orders passed by the Courts below granting interim injunction to the plaintiff- respondents restraining the defendant- petitioners to illegally dispossess the plaintiffs from Khasra No.588/322 or raising construction thereon.

Learned counsel for the petitioners has submitted that the defendant- petitioners had on the basis of a registered sale deed executed in the year 2006 purchased the specific khasra numbers and that on the basis of

the possession delivered to the defendant- petitioners, the Courts below should have dismissed the application for interim injunction as the possession of the defendants over the suit property stands prima facie established. He has submitted that being co-sharers, they would be in the joint possession and that the defendants have raised construction on the property in dispute.

I have heard learned counsel for the petitioners and gone through the documents placed on the record by them. It is admitted fact that the dispute is regarding specific khasra numbers measuring 8 biswas out of a total co-owned land which is more than 45 bighas. One of the co-sharers had sold his share in the suit property to the defendant-petitioners by way of sale deed in the year 2006, copy of which has been attached as annexure P-6. The Courts below have arrived at a conclusion that the possession of the vendor on the specific khasra numbers having not been prima facie established on record and partition proceedings being pending, the plaintiffs were entitled to the interim relief.

After hearing counsel for the petitioners and counsel for the plaintiff- respondents, I do not find any ground to interfere in the orders but it is pertinent to observe here that since the right, title and interest of petitioners in the property in dispute are yet to be established on the basis of the evidence and the question as to which of the parties has got better possessory title is to be determined, it is in the interest of justice to issue a direction to decide the case expeditiously giving a fair opportunity to both

the parties. It will be appreciated in case the civil suit is concluded by March 1, 2016.

Disposed of with the aforesaid observations.

Nothing said in the orders passed by the Courts below or by this Court will prejudice the final adjudication of the civil suit or the proceedings pending before the revenue authorities. It will be open to the defendant-petitioners to establish their possession on the basis of the oral as well as documentary evidence before the Civil Court as well as before the Revenue Authorities.

July 21, 2015
sanjay

(M.M.S.BEDI)
JUDGE