

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No. 3433 of 2015 (O&M)
Date of decision: 18.5.2015

Baljit Singh and another

.. Petitioners

v.

Shamsher Singh and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. A. S. Manaise, Advocate for the petitioners.

...

Rajesh Bindal J.

Challenge in the present petition is to the orders passed by both the courts below, whereby the application filed by the respondents-plaintiffs under Order 39 Rules 1 and 2 CPC for interim relief, was allowed.

The respondents-plaintiffs filed a suit for permanent injunction restraining the petitioners-defendants from interfering in their possession over the suit land. The claim was based on the fact that they are in possession of the property in dispute. In support, jamabandis for the years 2008-09 and khasra girdawaris for the period subsequent thereto were annexed. It is not in dispute that the aforesaid documents established possession of the respondents-plaintiffs. The same is sought to be disputed by the petitioners by claiming that the entries were wrong. Application for correction thereof filed before the Assistant Collector 2nd Grade, Dhariwal, Tehsil and District Gurdaspur was allowed during the pendency of the suit, hence, the respondents cannot be said to be in possession of the property, even as per the revenue record. However, he did not dispute the fact that the respondents are in appeal against the order passed by the Assistant Collector 2nd Grade.

After hearing learned counsel for the petitioners, I do not find any reason to interfere with the orders passed by the courts below. In support of their plea for claiming interim injunction, the respondents-plaintiffs had produced jamabandis and khasra girdawaris, which prima facie show their possession on the suit land. The same is sought to be rebutted by the petitioners with the plea that error was got corrected during the pendency of the suit. The order passed by the Assistant Collector 2nd Grade directing correction of khasra girdawaris is subject-matter of appeal, hence, the same cannot be relied upon at this stage, especially having been passed during the pendency of the present suit.

In the aforesaid facts and circumstances, I do not find any reason to interfere with the impugned orders passed by the courts below. The petition is, accordingly, dismissed.

(Rajesh Bindal)
Judge

18.5.2015
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