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

CR No.3776 of 2015

Date of decision: May 28, 2015

Sumer Pal

.....Petitioner

Versus

Ram Sharan and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajesh Kumar Moudgil, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the orders dated 10.12.2014 and 12.05.2015.

Learned counsel for the petitioner has submitted that the petitioner was claiming ad interim injunction qua khasra No.68, whereas, the Courts below while dismissing the application for ad interim injunction has taken into consideration khasra No.45/11.

Petitioner has filed suit for possession by way of partition of the land bearing khasra No.68 measuring 42 sq. yards being integral part of 471 sq. yards (16 marlas). Alongwith the suit, petitioner moved an application for ad-interim injunction restraining defendant No.1 from alienating the suit land. Trial Court dismissed the application moved by the petitioner for ad interim vide order dated 10.12.2014 and the said order was upheld in appeal by the Appellate Court

vide order dated 12.05.2015.

It has been noticed by the Courts below that the petitioner had purchased 16 marlas of land vide sale-deed dated 03.04.1972. Out of the said land, petitioner sold four marlas of land to respondent No.2-Murti Devi. Two marlas of land bearing khasra No.45/11 was acquired in the year 1986-87 and award was passed in this regard by the Land Acquisition Collector. Petitioner had raised construction over major portion of the land purchased by him. Respondent No.1 has also raised construction over the area measuring 315 sq. yards owned by him. Parties are yet to lead their evidence and only thereafter, it can be established as to whether respondent No.1 is in unauthorised possession of 42 sq. yards of the suit land. In these circumstances, the learned Courts below rightly held that at this stage, petitioner was not entitled to the relief of ad-interim injunction.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 28, 2015

m.singh