

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 4046 of 2013

Date of Decision: May 26, 2015

Paramjit Kaur

.....Petitioner

Vs.

Satpal Singh and ors.

.....Respondents

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

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Present:- Mr. K.S. Sidhu, Sr. Advocate with
Mr. G.S. Benipal, Advocate
for the petitioner.

Mr. Sunil Panwar, Advocate
for respondents No.1 and 2.

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

The plaintiff- respondents, apprehending threat of dispossession by the vendees of his co-sharer defendant- petitioner, filed a suit for injunction. Application for interim injunction has been allowed by the Appellate Court.

Counsel for the defendant- petitioner claims that as a matter of fact, the plaintiff- respondents are in joint possession of the property with the

defendant- petitioner and that actual physical possession of 4 kanals 4 marlas had been delivered by the co-sharer of the plaintiff- respondents.

Counsel for the plaintiff- respondents contends that though in the sale deed specific khasra numbers have been mentioned having been given to the defendant but he was not actually in actual physical possession of any part of the jointly owned property. It was also argued by counsel for the plaintiffs that the particular numbers mentioned in the sale deed fall in an area which is an orchard and is in actual physical possession of the plaintiffs.

After hearing counsel for the parties, I am of the opinion that whether the vendor of the defendant- petitioner was in actual physical possession of the particular khasra numbers mentioned in the sale deed would be a debatable issue to be determined on the basis of the pleadings and the evidence brought on the record. In view of said circumstances, counsel for both the parties submit that status quo regarding the property be maintained and a direction be issued to the trial Court to complete the proceedings of the suit within a period of six months.

I have considered all the facts and circumstances of the case and I am of the opinion that the possession of the vendor of defendant prima facie does not stand established, however, parties appear to be in joint possession having right of joint possession in the property.

The petition is disposed of with a direction that the trial Court shall conclude the proceedings within a period of six months after the receipt

of a certified copy of the order and the parties will maintain status quo regarding possession of the suit property.

Nothing mentioned in this order will prejudice the rights of the parties. Any observation made in the present order is meant to be read for the purpose of disposal of this petition only.

May 26, 2015
sanjay

(M.M.S.BEDI)
JUDGE