

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

CR No. 4031 of 2014 (O&M)

Date of decision : 18.5.2015

Smt. Shakuntla alias Shakuntla Yadav and others .. Petitioners

versus

Dayanand .. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjay Mittal, Advocate, for the petitioners.

Rajesh Bindal, J.

The order passed by the learned Lower Appellate Court in an appeal filed by respondent-plaintiff against the order passed by the trial Court in an application under Order XXXIX Rules 1 and 2 CPC has been impugned in the present petition.

A suit for declaration and permanent injunction was filed by the respondent/plaintiff claiming ownership of 8 kanals 11 marlas of land which was purchased by him from Rajender Singh son of Hanuwant Singh vide sale deed dated 11.4.2005. The facts, which have come on record, suggest that in the sale-deed executed in favour of the respondent-plaintiff, specific boundaries had not been mentioned. Rajender Singh had acquired interest in the property measuring 63 kanals 15 marlas from his father Hanuwant Singh by way of consent decree, out of which 8 kanals 11 marlas were sold to respondent-plaintiff. The allegation in the suit was that part of the property is sought to be encroached upon by the petitioners-defendant. The petitioners have claimed that they have acquired interest in the property thorough their vendor Raghubir Singh, who purchased the same from Hanuwant Singh, which establishes that both the parties became co-sharers in the suit land.

No doubt, the learned trial Court dismissed the application filed by the respondent/plaintiff for interim injunction, however, the learned

Lower Appellate Court directed the parties to maintain status quo regarding possession of the property, which may have been delivered to them by their vendors at the time of execution of the sale-deeds. The order was passed more than a year back. The facts and circumstances of the case do not call for any interference by this Court.

The petition is dismissed.

18.5.2015
vs

(Rajesh Bindal)
Judge