

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.4486 of 2015 (O&M)

Date of Decision.17.12.2015

Garja Singh

.....Petitioner

Vs.

Amar Singh and another

.....Respondents

Present: Mr. R.K.S. Brar, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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**K. KANNAN J. (ORAL)**

1. The revision petition is brought at the instance of the defendant who was successful in contesting the application under Order 39 Rule 1 & 2 CPC at the trial Court but lost out in the Appellate Court when the plaintiff obtained relief of interim injunction.

2. The plaintiff and the defendant are brothers. The plaintiff's contention was that the property stood allotted in the name of Waryam Singh, their father and revenue entries continued in his name beyond his death in the year 1996 in the entries for the year 1998. The contention of the plaintiff was that he had made the payment to the Provincial Government and had taken the allotment. The Appellate Court observed that when the disputed property had been allotted to Waryam Singh during his life time by Provincial Government, the logical presumption would be that the property stood inherited by all the sons and relief of injunction sought by the plaintiff with reference to the undivided share

was justified.

3. The defendant says that till now the Provincial Government's name alone stands reflected in the cultivation accounts and the plaintiff cannot obtain the relief of injunction when the receipts for payment of consideration were in the name of the defendant. I will not find any of these documents to be of any relevance to deny the plaintiff's right to the share which the plaintiff has claimed. The denial by the defendant and setting up exclusive right to the property against the jamabandi entry would be inappropriate and the Appellate Court has approached the issue correctly in granting the relief of injunction in the manner sought for.

4. I find no reason to interfere with the order passed by the Appellate Court. The revision petition is dismissed.

(K. KANNAN)  
JUDGE

December 17, 2015  
Pankaj\*