

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

C.R. No.4752 of 2015

Date of Decision.30.07.2015

Karnail Singh

.....Petitioner

Versus

Lal Singh and others

.....Respondents

Present: Mr. Gagandeep Singh Sahota, 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. An injunction is sought in relation to use of motor in a land that stands jointly in the name of the plaintiff and defendant. The defendant's contention was that the motor was exclusively purchased and installed by him in his portion of the property which was orally divided. The defendant also relied on the fact that the plaintiff had applied for an independent service connection for a motor which he was trying to install and that was a proof of the fact that there has been a partition and the motor which had been installed by the defendant was in his portion only and it is his motor.

2. The trial Court granted the injunction in favour of the plaintiff when the defendant wanted to remove the installed motor on the ground that it was a joint property and it cannot be removed and the plaintiff had a prima facie case. The Appellate Court also affirmed the order.

3. Learned counsel for the defendant, who is petitioner before this Court, states that the Court did not take note of the fact that the motor had been purchased only by him and the installation was in respect of his share in the joint property. The plaintiff, according to him, was taking advantage of the fact that the revenue entries still stand jointly in respect of the property in favour of the plaintiff and the defendant. At the interlocutory stage, Court relies on documentary evidence of what is prima facie for present and attempts to make a retention of status quo and not allow for altering the same. In this case, the status quo was installation of motor in particular land. The status quo again was that the property is standing in the name of the plaintiff and the defendant jointly in the revenue entries. If there was an attempted modification of the status quo by the defendant's act, the plaintiff was entitled to rely on the revenue entries standing jointly in the name of the plaintiff and defendant and seek for continuance of the motor in the place where it was installed.

4. I do not find any defect in the orders passed by the Courts below for making an intervention in the revision petition. The orders are maintained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

July 30, 2015
Pankaj*