

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4836 of 2015 (O/M)
Date of decision : 9.9.2015

Gurdev Singh

..... Revisionist

Versus

Rajinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jitender Singh Dadwal, Advocate, for the revisionist.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 2.5.2015, passed by the learned Additional District Judge, Ludhiana, whereby the order dated 5.3.2013, passed by the learned Civil Judge (Junior Division), Ludhiana, was reversed and the application filed by the plaintiff/revisionist under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC') was dismissed.

Suffice to say that the plaintiff/revisionist claims to be owner in possession of the disputed property, which according to him is 4 kanal being 4/124 share of land measuring 6 kanal 4 marla,

CR No. 4836 of 2015 (O/M)

-2-

detailed in the headnote of the plaint, situated in village Manakwal, Tehsil and District Ludhiana. The boundaries of said 4 marlas given in the application sans boundary of southern portion. According to the plaintiff/revisionist, he is in exclusive possession of the disputed property, whereas the defendants claim that they are the legal heirs of Sukhdev Singh, who had purchased the disputed property from Gurcharan Kaur and Nachhatar Singh, who had in turn purchased the property from the plaintiff. However, the learned counsel for the plaintiff/revisionist contends that the property was sold by his brother. The lower Court granted the order of status quo regarding possession, which was vacated by the lower appellate Court.

I have heard learned counsel for the revisionist and have also carefully gone through the file.

The perusal of the impugned order shows that as per the findings recorded by both the Courts below, Sukhdev Singh, predecessor of the defendants, had purchased the share in the disputed property through sale deed dated 29.8.2002. The disputed property is a plot. In this way, the defendants have become co-sharers with the plaintiff. The lower appellate Court has rightly held that the parties are co-sharers. The plaintiff has failed to prove that he is in exclusive possession of the said property. Further, it is not even alleged as to how the plaintiff came in exclusive possession of disputed property, which was originally owned by his

CR No. 4836 of 2015 (O/M)

father. It being so, the lower appellate Court has rightly held that no injunction can be granted against the co-sharers until exclusive possession of the plaintiff over the disputed property is proved. It being so, there is no illegality or infirmity in the impugned order.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

9.9.2015
sjks