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

**Civil Revision No.5365 of 2015
Date of Decision: 21.08.2015**

RANDHIR SINGH RANA

.....Petitioner

Vs

NARAYAN SINGH AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Cooner, Advocate
for the petitioner.

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?*

RAJ MOHAN SINGH, J.(Oral)

Petitioner/plaintiff has assailed the order dated 29.07.2015 (Annexure P-6) passed by Additional District Judge, Panchkula whereby application under Order 39 Rule 1 and 2 CPC has been dismissed in appeal.

Trial Court granted status quo regarding alienation and construction. The stand of the defendants was that they are in separate exclusive possession of the land in question since long. Even the plaintiff has also raised construction on a specific portion of land.

In an application for partition before the Assistant Collector, Ist Grade, Kalka the plaintiff himself has admitted that parties are in

exclusive and separate possession and they wanted to give effect to the said fact in the revenue record.

At this stage, such an admission is sufficient to *prima facie* consider that parties are in exclusive possession of different parcels of joint land. If the plea of the plaintiff is admitted that the parties are not in exclusive possession then in that eventuality also suit for injunction against co-sharership is not maintainable.

In view of aforesaid, no interference is called for.

Dismissed.

August 21, 2015

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(RAJ MOHAN SINGH)
JUDGE