

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

CR No.5794 of 2015

Date of decision : 19.12.2015

Baldev Krishan

...Petitioner

Versus

Joginder Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. O.P. Sharma, Advocate for the petitioner.

Mr. Ajay Ghangas, Advocate for respondent No.2 and 8.

Mr. Tushar Sharma, Advocate for respondent Nos.4 to 7.

AMIT RAWAL, J. (Oral)

Notice of motion.

Mr. Ajay Ghangas & Mr. Tushar Sharma, Advocates accepts notice on behalf of respondents.

Mr. Sharma, learned counsel appearing on behalf of the petitioner submits, that in suit seeking injunction against the co-sharer, the trial Court granted status-quo. However, in appeal filed by the defendants, the status quo order has been vacated. He submits that since parties have been shown to be in joint ownership having joint khata, the remedy if any

for the parties is to seek injunction as an ad-interim measures.

Learned counsel appearing on behalf of respondents submits, that petitioner-plaintiff has not been able to show any exclusive possession, much less, suit ex facie was not maintainable in the absence of any prayer of partition. Though, it has been specifically pleaded that the properties have been partitioned long time back.

Be that as it may, but the fact remains that since revenue record shows the joint khata, I am of the view that no interference is warranted at this stage as the lis would seek partition particularly the aggrieved party.

Keeping in view of such position, the revision petition stands disposed of with a direction to respondents-defendants not to raise further construction, however, subject to the condition that plaintiff shall move an application seeking partition of the suit property within a period of one month from the date of receipt of certified copy of the order. In case, no such action has taken at the behest of the petitioner, interim order shall automatically stand vacated.

19.12.2015

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**(AMIT RAWAL)
JUDGE**