

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

Date of decision: 27.01.2015

Rajinder Singh and others

.....Petitioners

v.

Sukhdial Singh and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Paramjit Rajput, Advocate for the petitioners

Jaswant Singh, J.(Oral)

Defendants 1 to 4 are in revision assailing the order dated 9.1.2014 (P-3) passed by Additional Civil Judge (Senior Division) Gurdaspur whereby temporary injunction application of the plaintiffs has been allowed and they have been restrained from interfering in the possession of the plaintiffs over the suit land fully described in the plaint. Further challenge is to the lower Appellate Court order dated 27.10.2014 whereby prima facie findings have been affirmed while dismissing the appeal of the defendants.

Having heard learned counsel at length this Court finds the present revision petition as wholly misplaced.

It is not in dispute that in the suit for permanent injunction filed by the respondents/plaintiffs the revenue entries i.e. khasra girdwaris and jamabandis show possession of the respondents/plaintiffs. However, it is urged that the said entries have come about

pursuant to ex parte partition decree which is under challenge before the higher authorities. Be that as it may the effect remains that based on the material already placed on record, prima facie, it is established that the respondents/plaintiffs are in possession of the suit property described in the plaint whereas defendants' claim is that they have become co-sharers with possession on purchase of portion of the suit land vide sale deed which would be matter of trial.

In view of the above, no case for interference in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution is made out.

Dismissed with costs of Rs.5000/- (Rupees five thousand only) to be deposited with District Legal Service Authority, Gurdaspur.

27.01.2015
joshi

(Jaswant Singh)
Judge