

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

CR No.6355 of 2015
Date of decision : 28.09.2015

Arshad and ors.

...Petitioners

Versus

Juber 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. Mohammad Arshad, Advocate for petitioners.

AMIT RAWAL, J. (Oral)

Learned counsel for petitioners submits that already application seeking partition of the land has been filed and both the Courts below have dismissed the application filed under Order 39 Rule 1 & 2 CPC for permanent injunction on the premise that co-sharer cannot seek injunction as co-owner.

I have heard learned counsel for petitioners.

The Lower Appellate Court while disposing of the appeal noticed as under:-

“As already discussed, it is not the case of the plaintiffs that the defendants No.1 to 4 are raising construction over more than their share in the suit land

*and there is nothing on record to suggest that the respondents/defendants No.1 to 4 are intending to raise construction on the portion of the suit land adjoining to Delhi-Alwar Highway road. Therefore, the plaintiffs are not entitled to seek the relief of ad-interim injunction against the defendants. However, in case any of the defendants raises construction over the suit land during pendency of the suit, then he would not be entitled to claim that portion in the partition proceedings as a right, as has been held by the Hon'ble Punjab and Haryana High Court in case titled as **Satish Chander Sethi Vs. M/s Chuni Lal Shyam Sunder (Supra.**”*

In view of the aforementioned observation, I do not find any illegality and perversity in the order. However, petitioners are at liberty to seek interim relief in the application pending seeking partition.

With the aforementioned observation, I do not intend to interfere in the order.

Revision petition stands disposed of.

28.09.2015

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**(AMIT RAWAL)
JUDGE**