

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

CR No.6932 of 2015

Date of Decision: October 16, 2015

Meenakshi Sharma

.... Petitioner

vs.

Chander Sharma

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sudhir Sharma, Advocate for the petitioner.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 05.11.2014 passed by learned Civil Judge (Jr. Divn.), Sonapat, vide which the application of the plaintiff-petitioner for grant of interim injunction was dismissed and the application of the defendant-respondent filed by way of counter claim was allowed and the plaintiff-petitioner was restrained from interfering into peaceful possession of the defendant over the suit land which has fallen to the share of the defendant-respondent as per memorandum of understanding. The said order was affirmed by learned Addl. District Judge, Sonapat, vide judgment dated 29.11.2014.

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

It comes out that both the plaintiff and the defendant had jointly approached the Tehsildar for partition of the suit property, wayback in the year 2005. Now, the plaintiff-petitioner claims a passage. Since, in the partition, no passage was provided, therefore, the lower court passed the order accordingly. The said order was upheld in appeal.

While exercising the revisional powers, this Court does not find any ground to interfere in the findings of facts recorded by both the courts below.

Learned counsel for the petitioner has referred to the authorities of Hon'ble the Supreme Court in cases of ***“Veer Kunwar Singh University Ad hoc Teachers Association & Others vs The Bihar State University (C.C.) Service Commission & Others” 2007(sup) AIR(SC) 291 and “Harshad Chiman Lal Modi vs DLF Universal and Anr.” 2005(4) R.C.R.(Civil) 260.***

I am of the view that the factual position is yet to be decided by the lower court and the lower court is yet to come to the conclusion as to why the order of the Tehsildar regarding the partition is to be set aside.

It being so, there is no ground to interfere in the impugned order passed by both the courts below.

Accordingly, the present revision petition stands dismissed.

October 16, 2015
sarita

(KULDIP SINGH)
JUDGE