

117

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

CR-7337-2015

Date of decision : 03.11.2015

KEWAL SINGH

...PETITIONER

VERSUS

MOHINDER SINGH AND ANR

..RESPONDENTS

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

RITU BAHRI, J. (ORAL)

The petitioner has come in civil revision for setting aside the impugned order dated 08.04.2015 whereby his appeal against order dated 27.08.2012 passed by the learned Addl. Civil Judge (Senior Division), Nakodar has been dismissed and impugned order dated 27.08.2012 vide which an application filed by the plaintiff under Order 39 Rules 1 & 2, has been dismissed.

The plaintiff filed the suit for permanent injunction restraining the defendants from interfering into peaceful and lawful possession of the suit property of land measuring approximately 20 marlas bearing khasra No.96 min Janub, House No.561 min Janoob situated in the abadi of Mohalla Killa, Mehatpur, Tehsil Nakodar, District Jalandhar. The father of the plaintiff was the owner of the house and after his death on 06.01.1990, the plaintiff along with his brothers Avtar Singh, Surjit Singh, Sukhwant Singh and Kewal Singh became owners of the property. As per the case of the plaintiff, on

account of the an oral settlement, his brothers had relinquished their shares in his favour and had shifted to Jalandhar.

On notice, respondent/defendant No.2 contested the suit by taking a plea that he had purchased the property vide registered sale deed bearing document No.277 dated 01.06.2012 from Surjit Singh who was co-sharer and co-owner along with the plaintiff in the suit property of land measuring 4 marlas. Surjit Singh was a co-sharer in the plot, after the death of the Piara Singh. There is no written document with regard to the partition except an affidavit (Annexure P-1) which is given by Swaran Kaur D/o Piara Singh that the family matter has been resolved.

By making reference to the Division Bench's judgments in case titled as **'Bachan Singh Vs. Swaran Singh, 2002(3) Civil Court Cases 02 (P&H) and 'Jai Karan Sharma Vs. Ram Kumar, 2009 (2) Civil Court Cases 083 (P&H),** the application has been dismissed on the ground that co-owner cannot seek injunction for restraining from another co-owner from raising construction. The sale deed dated 01.06.2012 is a registered sale deed by Surjit Singh being a co-sharer.

Consequently, the impugned orders dated 08.04.2015 & 27.08.2012 does not require any interference.

The revision petition is dismissed.

03.11.2015
yogesh

(RITU BAHRI)
JUDGE