

CR No.948 of 2015

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

**CR No.948 of 2015
Date of decision:11.02.2015**

Krishan Kumar and another

...Petitioners

Versus

Maresh Chander

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rakesh Nehra, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The plaintiff-petitioners filed the suit for permanent injunction to restrain the defendant-respondent from interfering in their peaceful possession and also from alienating the suit property in any manner. It is alleged that they are owners in possession of the suit property measuring 35 square yards by virtue of sale deed no.1424 dated 11.05.2007 executed in their favour by the defendant. It is also claimed that the shop has been sold along with rooms constructed over it with the right of path, water sewerage and drainage etc. The defendant is in occupation of the rooms constructed over the shop as tenant but has refused to vacate the same despite the expiry of two years, as promised, and tried to threaten the plaintiffs to dispossess

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them from the shop as well as the rooms constructed over it.

The application for temporary injunction filed by the plaintiff-petitioners was partly allowed and the defendant was restrained from interfering in their peaceful possession of the shop which is shown by letters EFHG but the application qua the possession in regard to the rooms, shown in the site plan by the petitioners by letters ABCD, was dismissed. It was observed that in the sale deed, there is no reference of any room having been sold by the respondent to the petitioners.

The appeal filed by the petitioners against that order has already been dismissed and hence, the present revision petition has been filed in which learned counsel for the petitioners has prayed only for injunction to restrain the respondent from alienating the suit property.

Counsel for the petitioners has read over vernacular of the sale deed (Annexure P-2) to contend that the petitioners have become owners of the shop as well as the rooms constructed over it by virtue of the sale deed and are thus entitled to injunction being the owners thereof.

After hearing learned counsel for the petitioners in detail and perusal of record much-less the sale deed (Annexure P-2), I am of the considered opinion that there is no error in the order of the Courts below because in the sale deed (Annexure P-2), there is not an iota of reference to the rooms, allegedly constructed on the shop in question, having been sold by the defendant to the present petitioners.

In view thereof, there is hardly any reason for this Court to interfere in the present revision petition to reverse the well considered order

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passed by both the Courts below.

Resultantly, the present revision petition is hereby dismissed
being denuded of any merit.

February 11, 2015
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(Rakesh Kumar Jain)
Judge