

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3642 of 2013(O&M)
Date of decision : December 5, 2015

Kusum Lata and others

..... Appellants

Versus

Bidhi Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Anuj Balian, Advocate
for the appellants.

Mr. Sanjiv Gupta, Advocate
for the respondents.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The appellants-defendant Nos. 1, 3 and 5 are aggrieved of the judgment and decree of the lower appellate court whereby the suit for permanent injunction dismissed by the trial court seeking restraint order against the defendants not to interfere in the peaceful/settled and exclusive possession with regard to the suit property, has been decreed.

Learned counsel appearing on behalf of the appellants-defendants submits that though the partition proceedings are pending adjudication before the civil court at Kalka, the apprehension of the appellants is that under the garb of injunction

respondents-plaintiffs may not encroach upon vacant 2 biswas of land which is jointly owned by the co-sharers which would be subject to partition, though the appellants have raised a school on 6 biswas of land purchased from Haru Lal.

Learned counsel appearing on behalf of the respondents submits that till the partition proceedings culminate into passing of preliminary decree, his client shall not encroach upon 2 biswas of vacant land which is jointly owned by all the co-sharers.

Keeping in view the concession given and statement suffered by learned counsel for the respondents, apprehension of the appellants stands vindicated.

Accordingly, the judgment and decree of the lower appellate court is upheld. However, it is made clear that during the pendency of the partition proceedings appellants-defendants and respondents-plaintiffs shall not encroach or interfere or change the nature of vacant land of 2 biswas jointly owned by all the co-sharers.

The appeal stands disposed of.

(AMIT RAWAL)
JUDGE

December 5, 2015
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