

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.2842 of 2016 (O&M)
Date of decision: September 23, 2016

Piar Kaur

...Petitioner

Versus

Tara Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Jattana, Advocate for the petitioner.

Rajan Gupta, J. (oral)

In the present revision petition challenge is to the orders dated 12.10.2015 and 01.04.2016, passed by both the courts below, whereby application U/O 39 Rules 1 & 2 read with Section 151 CPC filed by the petitioner has been dismissed.

Learned counsel for the petitioner has assailed the order. According to learned counsel, both the courts below have failed to appreciate the controversy in right perspective. He submits that petitioner/plaintiff being co-sharer, is having right and interest in the suit land and in case respondent/defendants succeed in dispossessing her, she would suffer irreparable loss.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears that plaintiff/petitioner filed a suit for declaration by way of partition to the effect that she is owner in possession of 7 Kanals 15 Marlas of land comprised in Rect. No.210, Killa No.11,

situated at Basti Nizamdeen Wali, District Ferozepur. Alongwith the suit, petitioner also filed application U/O 39 Rules 1 & 2 read with Section 151 CPC for grant of interim injunction. Plea was resisted by the defendants. They contended that plaintiff has no locus-standi and cause of action to file the suit as well as application, as she has no concern with any part of the suit property. The trial court dismissed the application of the petitioner by observing that no prima facie case is made out in favour of the petitioner and balance of convenience also does not lie in her favour, therefore, she is not entitled to ad-interim injunction. Petitioner preferred appeal before the appellate court at Ferozepur, which was also dismissed by Addl. District Judge, Ferozepur, vide order dated 1.4.2016. Aggrieved, present revision has been preferred by the petitioner before this court.

I am of the considered view that no case for grant of interim injunction is made out. The petitioner can prove her averment that she is in exclusive possession of the land in question by leading evidence in due course. Same would be subject to final outcome of the civil suit. No ground to interfere in revisional jurisdiction at this stage is made out.

Dismissed.

Nothing said hereinabove shall be treated to be expression on merits of the case.

(RAJAN GUPTA)
JUDGE

September 23, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No