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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 03.05.2016

1. CR-286-2016

Shitla Mata and Shiv Mandir Society

... Petitioner

Versus

Tarlochan Kaur

... Respondent

2. CR-6336-2015

Harjinder Kaur and another

... Petitioners

Versus

Shitla Mata and Shiv Mandir Society and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S. Chauhan, Advocate
for the petitioner (in CR-286-2016) and
for respondent No.1 (in CR-6336-2015).

Mr. Vijay Rana, Advocate
for the petitioners (in CR-6336-2015).

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)

This order of mine shall dispose of two petitions bearing CR

No.286 of 2016 titled as “Shitla Mata and Shiv Mandir Society V/s

Tarlochan Kaur” filed at the instance of the petitioner(s)-defendant(s) in Civil Suit bearing No.356 of 2014 titled as **“Tarlochan Kaur V/s Shitla mata and Shiv Mandir”** and **CR No.6336 of 2015** titled as **“Harjinder Kaur and another V/s Shitla Mata and Shiv Mandir Society and others”**, filed at the instance of the petitioner(s)-plaintiff(s) in Civil Suit bearing No.1692 of 2014 titled as **“Jasvir kaur and others V/s Shitla Mata and Shiv Mandir Society”**, hereinafter called as Civil Suit No.1 and Civil Suit No.2, respectively. Suit No. 1 is with regard to the injunction, whereas the suit No. 2 is with regard to the partition. Both the suits accompanied by an application seeking *ad interim* relief. In the first suit, the lower Appellate Court restrained the petitioner(s)-defendant(s), whereas in second suit, the trial Court and the lower Appellate Court dismissed the application.

CR-6336-2015

I am of the view that in the suit for partition, the shares have yet to be determined and therefore, the respondent(s)-defendant(s) Shitla Mata and Shiv Mandir, Mukerian cannot be permitted to change the nature of the land which is in their possession, even if it is excess in share till the pendency of the suit.

In view of the aforesaid observations, the impugned order is not sustainable and is hereby set aside.

Accordingly, the revision petition stands allowed.

CR-286-2016

The impugned order, under challenge, is hereby affirmed and

accordingly, the revision petition stands disposed of.

However, the efforts would be made to expedite the disposal of the trial, on the basis of that the Mandir is on renovation.

03.05.2016
yogesh

**(AMIT RAWAL)
JUDGE**