

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

CR No.3957 of 2016(O&M)

Date of decision:12.7.2016

Kaur Singh

....Petitioner

VERSUS

Jasbir Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Kanwal Goyal, Advocate for
Mr. Aman Dhir, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition lays challenge to orders dated 05.05.2015 (Annexure P-5) passed by the Civil Judge (Junior Division), Bathinda and dated 04.03.2016 (Annexure P-7) passed by the Additional District Judge (Fast Track Court), Bathinda, whereby prayer of the petitioner for grant of interim injunction during pendency of Civil Suit No.448 dated 16.07.2012 captioned Kaur Singh Vs. Jasbir Singh and another, has been dismissed.

Kaur Singh (since deceased) now represented by his LRs filed a suit for permanent injunction restraining the defendants from interfering in peaceful possession of the petitioner/plaintiff over half share of land measuring 180 kanals 11 marlas situated within the revenue limits of village Multania, Tehsil and District Bathinda as per Jamabandi for the year 2010-11 and further restraining the respondents/defendants from

dispossessing him from land comprising khasra numbers 752 (22-7), 755 (25-0), 756 (25-0), 757 (11-13) and 1004/762 Min (06-00) out of the suit property. Along with the suit, an application was filed under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC') for grant of interim injunction. The application was dismissed by the trial Court vide order dated 05.05.2015 and the appeal preferred against the said order did not find favour with the Additional District Judge, Bathinda.

Counsel for the petitioner has submitted that Kaur Singh passed away on 12.01.2013 and he is now being represented by his LRs. In the jamabandi for the year 2010-11 (Annexure P-8) Harpal Kaur wife of Kaur Singh is recorded to be in possession of 1/6th share of land comprising khasra numbers 748, 749, 752, 755, 756, 757, 763, 1004/762. It is further argued that an entry against Sr. No.676 was made in the *roznamcha waqiyati* for the year 1997-98 wherein Kaur Singh along with Bogha Singh, Nambardar, approached the concerned revenue officer for making change in the khasra girdawri from Sauni 1998 in favour of Harpal Kaur wife of Kaur Singh, Gurpreet Kaur wife of Gurpreet Singh and Sukhpreet Kaur wife of Amrish Singh in equal shares qua khasra Nos.748, 749, 752, 755, 756, 757, 1004/762-63 to the extent of half share.

It is argued with vehemence that keeping in view the entries recorded in *roznamcha waqiyati* and jamabandi for the year 2010-11, the Courts below have committed a serious error rather perversity in dismissing application of the petitioner that the respondents cannot be allowed to interfere in his exclusive possession of the aforesaid khasra numbers except in due course of law.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned and jamabandi (Annexure P-8) and entry No.676 in the *roznamcha waqiati* reproduced in para 4 of the grounds of revision.

Concededly, the suit for injunction has been filed by Sh. Kaur Singh on 16.07.2012. The documents i.e. copy of jamabandi (Annexure P-8) and entry against Sr. No.676 in the *roznamcha waqiati* do not support contention of the petitioner that he is in exclusive possession of the khasra numbers in question at the time of institution of the suit to entitle him to seek injunction against forcible interference or dispossession.

In view of the above, I find myself unable to accept the submissions made by counsel for the petitioner that the orders passed by the Courts below suffer from any error much less perversity warranting interference.

No other point has been raised.

For the foregoing reasons, finding no merit, the petition is dismissed in *limine*.

Nothing stated in this order shall cause prejudice to rights of either of the parties at the time of final disposal of the suit.

JULY 12, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE