

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.5980 of 2015 (O&M)

Date of Decision.19.01.2016

Om Pati and others

.....Petitioners

Vs.

Hawa Singh and others

.....Respondents

Present: Mr. Arvind Singh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. I will make no intervention in a case where the Appellate Court was granting injunction considering the fact that the plaintiff has purchased the property from the 1st defendant's husband and who is also the parent of the remaining defendants. The grievance expressed by the learned counsel is that after the purchase in the year 1996 and 1998 by the plaintiff, the revenue authorities did not sanction mutation only because the vendor Ram Kumar was not shown to be the owner and recorded as such in the records. I asked the counsel as to how they were sourcing title to the property and the defendant has no objection to admit before me that vendor was no doubt entitled to the share of the property but he was not wholly of the owner to transfer it wholly to him. The suit itself has been filed only on the premise that the plaintiff is a co-owner with the defendant but the property which has been put in possession is now attempted to be usurped and the defendant is trying to

put up some construction which can disturb the status quo. I cannot now find, therefore, that an injunction granted, which can allow for the status quo to be protected, would require to be interfered with.

2. Learned counsel states that the injunction is literally rendering a judgment as though the plaintiff is being shown to be in possession of whole of the property and the defendants have been prevented from interfering with the plaintiff's possession. Possession of what the plaintiff claims is only a joint possession of the defendant and an order of injunction that is granted must be taken as operating only to protect such joint possession. I will clarify the order already passed to that effect and would allow for further proceedings at the trial to move on. If there is any construction which is attempted to be made by the plaintiff and the defendant has a grievance that he may make construction in excess of what he would not be entitled to, it will be open for the defendants to apply to the Court to seek for any restraint. As of now, I do not think that there is any warrant for interfering with the order already passed.

3. The order passed by the Court below is maintained and the revision petition is dismissed.

(K. KANNAN)
JUDGE

January 19, 2016
Pankaj*