

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

CR No.6736 of 2016
Date of decision : 06.10.2016

Jaina Ram @ Jai Narain

...Petitioner

Versus

Om Pati and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. M.S. Kathuria, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the dismissal of the application moved under Section 10 of the Code of Civil Procedure on the premise that plaintiff on many occasion, had filed suit for injunction. By virtue of purchase of the property, he had become co-owner. Suit was dismissed by the trial Court but the lower Appellate Court has granted the liberty to the respondent-plaintiff to file suit for partition. It is in this background of the matter, Civil Suit No.318 of 2015 has been filed but the petitioner-defendant moved application for staying of the suit on the premise that RSA No.4086 of 2014 is pending.

In my view prima facie petitioner-defendant cannot have any grievance as no injunction can be granted against co-owner and rightly so, actual remedy available in the law is availed. Even defendants does not

want to continue. In my view application is totally devoid of the merit, much less, wholly mis-conceived.

No ground for interference is made out.

Accordingly, present revision petition is dismissed.

06.10.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No