

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

CR No. 677 of 2014 (O&M)

Date of decision: 05.01.2016

Vijay Kumar

... Petitioner

versus

Surinder Sharma

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

K.Kannan, J. (ORAL)

The civil revision petition is meritless, for, it is brought to assail the order of injunction granted on an observation that there exists an *anganwadi* centre at the property which the plaintiff is claiming as being allowed by him to be run at the property. The Court has observed that the trial was in progress and the defendant shall not take forcible possession during the pendency of the suit.

The ground of revision is only that the plaintiff cannot have a prima facie case of his possession when there is only a plea that the plaintiff has claimed title of the property by adverse possession which plea cannot be taken by the plaintiff. It is also a contention that there is no documentary evidence such as rent receipt to prove that he is collecting rent from the *anganwadi* centre. His contentions do not detract from the basic observations made by the Court below that there exists *anganwadi* centre and that the injunction must be granted to protect such possession which the plaintiff claims. The issue of whether the suit could be maintained by the plaintiff on the plea of adverse possession shall be examined by the Court at the time of trial and the delivery of judgment, but, as of now I find no serious error as having been committed by the Appellate Court to intervene in the revision petition.

The civil revision petition is dismissed with above observation.

(K.KANNAN)
JUDGE

05.01.2016
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