

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
2016.03.28 10:52
I attest to the accuracy and
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Civil Revision No. 8096-2015(O&M)

Date of Decision: 11.03.2016

Mehnga Singh

---Petitioner

versus

Jaswinder Kaur & Ors.

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amit Verma, Advocate
for the petitioner

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

Rekha Mittal, J.

The present petition has been directed against order dated 17.10.2015 passed by the Additional District Judge, Hoshiarpur, (Annexure P-4), dismissing the appeal preferred by the petitioner against order dated 30.05.2015 (Annexure P-3) passed by the trial Court whereby application filed by the petitioner for grant of ad interim injunction has been dismissed.

Counsel for the petitioner would contend that respondent Nos. 1 to 4 are co-owners to the extent of 3 marlas of land but they are raising construction over area more than that of their share to the extent of 8 marlas. It is further submitted that the petitioner shall suffer irreparable loss and injury in case the contesting respondents are not restrained from raising further construction.

I have heard counsel for the petitioner and perused the records.

A co-owner in exclusive possession of a part of the joint land is entitled to use it in the manner he likes but subject to adjustment of rights of the parties at the time of partition. This apart, intervention by this Court in an order passed by the trial

Court and affirmed in appeal while disposing of an application for grant of interim injunction is warranted only if the order is found to be perverse. Keeping in view the facts and circumstances of the present case, I do not find any reason to intervene.

For the foregoing reasons, the petition is dismissed without expressing any opinion on merits of the case.

(Rekha Mittal)
Judge

11.03.2016
Rishabh Kumar./paramjit