

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

C.R. No.8735 of 2015 (O&M)

Date of Decision.25.01.2016

Sham Singh

.....Petitioner

Vs.

Som Singh and others

.....Respondents

2. C.R. No.8736 of 2015

Sham Singh

.....Petitioner

Vs.

Surinder Kaur and others

.....Respondents

Present: Mr. Arihant Jain, Advocate
for the petitioner.

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?

-. -

K. KANNAN J. (ORAL)

1. There is no relief for injunction possible at the instance of the plaintiff who was himself a vendor and such an injunction could be sought only by a person who was a non-alienating co-owner. For the sale deed made by the defendant, there shall be no fetter of manner of enjoyment and he cannot have injunction in the manner sought for. If he is aggrieved by any action of the defendant that he is attempting to put up construction at the place which he did not intend to give or that he is intending to put up construction in any share which is larger than what he has purchased, the plaintiff's remedy will be to file the suit for partition, make all the owners of the properties parties and then seek for injunction. Till the properties are partitioned by metes and bounds, no relief of injunction can be granted in the manner in which it has been

sought.

2. The injunction declined by the Appellate Court is perfectly justified and I will not find any reason for interfering with the same.

Both the revision petitions are dismissed.

(K. KANNAN)
JUDGE

January 25, 2016
Pankaj*