

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.428 of 2017

Date of Decision:-02.03.2017

Barinder Kaur.

.....Petitioner.

Versus

Baldev Kaur @ Gurdev Kaur.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Navdeep, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Plaintiff/petitioner has filed a suit for permanent injunction against the defendant Baldev Kaur @ Gurdev Kaur co-sharer from *inter alia* changing the nature of suit land. In the temporary injunction application under Order 39 Rules 1 & 2 Civil Procedure Code, the lower Appellate Court vide order dated 10.08.2016 has restrained the parties from changing the nature, value and utility of the suit land by digging earth from suit land.

It is averred that the respondent/defendant inspite of clear cut directions dated 10.08.2016 granting temporary injunction have proceeded to undertake diggings so as to the prejudice of the claim of the petitioners in the separate partition proceedings as also violating the directions.

At the time of hearing realizing that the appropriate forum would be proceedings under Order 39 Rule 2-A of Civil Procedure Code

prays for permission to withdraw the present petition.

Dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

March 02, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>