

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.1609 of 2017 (O&M)
Date of decision: 06.03.2017

Jaswant Singh

... Petitioner

Vs.

Harpal Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Lakhvir Singh, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the impugned order dated 02.01.2017 passed by learned Additional District Judge, whereby miscellaneous appeal of the petitioner-plaintiff was dismissed, while upholding the order dated 05.10.2016 of the learned trial Court, dismissing the application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure for an ad-interim injunction, plaintiff has approached this Court by way of present revision petition.

Heard learned counsel for the petitioner.

A bare combined reading of both the impugned orders passed by the learned Courts below would make it crystal clear that it is the own pleaded case of the plaintiff-petitioner that nobody is in exclusive possession of any khasra number of the joint property, which is the suit property. In view of this material and undisputed fact situation obtaining on the record of the case, learned Courts below were well within their jurisdiction to pass the impugned

orders and the same deserve to be upheld.

The law laid down by two Full Benches of this Court in **Bhartu Vs. Ram Sarup, 1981 PLJ 204** and **Ram Chander Vs. Bhim Singh and others, 2008 (3) RCR (Civil) 685** has been rightly followed by the learned Courts below, while passing their respective impugned orders. It is not in dispute that parties to the present litigation are co-sharers. Once the petitioner-plaintiff himself is not claiming his exclusive possession on any particular khasra number, he was rightly not found entitled for an ad-interim injunction against his co-sharers. In this view of the matter, learned Courts below have not committed any error of law, while passing their respective impugned orders and the same deserve to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present prevision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

06.03.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No