

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

CR No. of 3172 of 2017(O&M)
Date of Decision: 24.11.2017

Balwant Singh

..... Petitioner

Versus

Parbhat Singh and others

... Respondents.

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Kumar Gupta, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Petitioner has assailed the order dated 24.05.2016 passed by the Additional District Judge, Gurdaspur vide which order dated 21.12.2015 passed by Civil Judge (Junior Division), Gurdaspur was set aside and the petitioner/defendant was restrained from interfering in the possession of the respondents/plaintiffs.

[2]. Trial Court dismissed the application for ad interim injunction. However, Lower Appellate Court reversed the same and the defendant was restrained from interfering in the suit property i.e. khasra No.10//7/1/1 (2-10). Plaintiffs filed a suit for permanent injunction on the ground that plaintiffs along with their sisters and legal representatives of Dilbag Singh i.e. brother of the plaintiffs were in exclusive possession of the plot on the basis of purchase. Their possession was depicted in the *jamabandi* for the year 2012-13 and khasra girdawari for the

years 2013-14 and 2014-15. Out of total land, 10 marlas of land was not under cultivation, however the same was being used by the plaintiffs.

[3]. In the written statement, possession of the plaintiffs was denied on the suit property as well as on the aforesaid 10 marlas of land. According to the defendant, rectangle No.10, killa No.7/1/2 (2-10) was in possession of the plaintiff and rectangle No.10, killa No.7/1/1 (2-10) was in possession of the defendant. Defendant further claimed that he has constructed three shops in part of khasra No.7/1/1, besides one poultry farm and a shed at the back of the shop.

[4]. Lower Appellate Court found that both the parties are co-sharers in the land. Plaintiffs have purchased the land from one Bawa Singh vide sale deed dated 15.03.1982 and Bawa Singh had purchased it from Puran Singh and Dhan Devi vide registered sale deed dated 04.10.1974. *Jamabandi* for the year 2012-2013 showed the plaintiffs, their sisters and Dilbag Singh to be in cultivating possession of khasra No.10//7/1/1 (2-10). These very entries were also recorded in the khasra girdawaries. Defendant Balwant Singh had purchased 7 kanals, 12 marlas of land from Puro Devi, Raj Devi and Pushpa Devi on 04.08.1995 in which land comprised in khasra No.53//7/2, 53//8/1 and 10//7/1/2 (2-10) was the subject matter of sale deed.

[5]. Lower Appellate Court found that there was no mention of khasra No.10//7/1/1 in the said sale deed. Taking into consideration *prima facie* case, balance of convenience and irreparable loss in the event of not granting injunction, Lower Appellate Court granted the injunction in favour of the plaintiffs.

[6]. No exception can be made out to the findings recorded by the Lower Appellate Court. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

24.11.2017

prince

Whether Reasoned/Speaking

Whether Reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No