

In the High Court of Punjab and Haryana at Chandigarh

118

CR No. 4187 of 2017

Date of decision: 30.10.2017

RAGHBIR SINGH

.....petitioner

Versus

MALKHAN SINGH AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Kuldeep Attri, Advocate for
Mr.Anil Kumar Sharma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J (oral)

Plaintiff-petitioner Raghbir Singh and his brother Pohap Singh-defendant No.4 got the land partitioned. Killa No. 21/2 of Rect. No.23 came to the share of Raghbir Singh, whereas, Killa No.20/2 of Rect. No.23 came to the share of defendant No.4. Factum of compromise was given effect in the revenue record, wherein, Rapat No. 195 was recorded on the basis of instrument of partition and consequent upon mutation No.3166 was also sanctioned. Thereafter, defendant No.4 sold the land falling under his share to defendant No.3 vide sale deed dated 28.11.2006.

Both the Courts have concurrently rejected the application under Order 39 Rules 1 and 2 CPC in a suit for

declaration and permanent injunction filed by the plaintiff. The challenge has been made to the aforesaid Rapat No.195 and consequent mutation No.3166.

Since the factum of partition had already been given effect in the revenue record and was duly acted upon by the parties, which even resulted in execution of sale deed by defendant No.4 in favour of defendant No.3 on 28.11.2006, no exception can be made out from the orders passed by the Courts below on the basis of existence of prima facie case, balance of convenience and irreparable loss in the event of not granting temporary injunction.

This petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

October 30, 2017

anita

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No