

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CR No.7861 of 2016
Date of decision:27.3.2017**

Ranbir Singh and others

...Petitioners

Versus

Naresh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Vivek K. Thakur, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition is directed against the order dated 30.7.2016 passed by the learned Additional District Judge, whereby misc. appeal of the petitioners was dismissed and the order dated 8.12.2014 passed by the learned trial Court, dismissing the application of the petitioners-plaintiffs under Order 39 Rule 1 and 2 of the Code of Civil Procedure, was upheld.

Heard learned counsel for the petitioners.

A bare combined reading of the impugned orders dated 8.12.2014 passed by the learned trial Court as well as the appellate order dated 30.7.2016 passed by the learned Additional District Judge, would make it crystal clear that each and every relevant aspect of the matter was closely examined, considered and appreciated in the correct perspective by

both the learned courts below, before passing their respective impugned orders (Annexures P-9 and P-12). The impugned orders have also been found in consonance with the law laid down by two Full Bench judgments of this Court in **Bhartu Vs. Ram Sarup, 1981 PLJ 204** and **Ram Chander Vs. Bhim Singh and others, 2008(3) RCR (Civil) 685**. Having said that, this Court feels no hesitation to conclude that the learned courts below were well within their jurisdiction to pass their respective impugned orders and the same deserve to be upheld.

It is not in dispute that the parties are co-sharers. Petitioners are seeking restraint order against their co-sharers. Once the learned courts below have rightly followed the law laid down by two Full Benches of this Court, in the cases referred to hereinabove, no fault can be found with the impugned orders. Since the learned courts below have committed no error of law, while passing their respective impugned orders, the same deserve to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in either of the impugned orders so as to make out a case for interference, at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In this view of the matter, it can be safely concluded that the learned courts below did not exceed their jurisdiction and the impugned orders deserve to be upheld, for this reason as well.

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 instant revision 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 above-said observations made, the present revision petition stands dismissed, however, with no order as to costs.

27.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No