

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

**Civil Revision No.9126 of 2017 (O & M)
Date of Decision: 22.12.2017**

Jagjit Singh & Anr

....Petitioners

V/S

Amit Kumar

....Respondent

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Himanshu Monga, Advcoate,
for the petitioners.

RITU BAHRI, J.(Oral)

Learned counsel for the petitioner has filed the present revision petition against the order dated 06.12.2017 passed by the Learned Civil Judge (Senior Division) Gurdaspur, whereby the application filed by the plaintiff to implement the stay order dated 27.07.2017 passed by the trial court has been allowed.

Vide order dated 27.07.2017, the present appellant/defendant were restrained not to interfere into the peaceful, physical exclusive cultivating possession of the plaintiff/respondent.

A perusal of the order shows that the plaintiff purchased the share from defendant no. 1 and as per report of the Naib Tehsildar that defendant No. 1 was exclusive possession of the suit land and after making the sale, mutation had been sanctioned in favour of the plaintiff and since he was in exclusive possession of the land even though he is cosharer, he could give the possession of the land to the plaintiff.

Keeping in view the above facts, the application under Order

39 Rule 1 and 2 CPC was allowed on 27.07.2017.

The application has rightly been allowed. Keeping in view the report of the Naib Tehsildar, that the defendant no. 1 was in exclusive possession of the suit land and after selling the same to the plaintiff, mutation has been sanctioned.

Accordingly, present petition stands dismissed.

December 22nd , 2017
Riya Grover

(RITU BAHRI)
JUDGE