

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

**CWP No.12919 of 2017
Date of Decision.02.06.2017**

Rai SinghPetitioner

Vs

State of Haryana and othersRespondents

Present: Mr. Jagjit Gill, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The grievance of the petitioner in the present writ petition is that in the proceedings initiated by Hari Ram against Vinod Kumar, co-sharer, brother of the petitioner, statement dated 16.03.2006 (Annexure P-1) was suffered for shifting of the outlet.

In view of the aforementioned statement, nothing happened, which is evident from the report dated 01.03.2017 (Annexure P-4). Hari Ram now is trying to take water course from the land of the petitioner, compelling him to challenge the order, which has been dismissed by the authorities, being barred by law of limitation.

This Court confronted Mr. Gill as to whether the petitioner and respondent No.7-Vinod Kumar, his brother, have a joint khata, the answer is that it is joint and therefore, the statement of the co-sharer is sufficient, unless and until, the other co-sharer is able to prove his exclusive possession. This case is basically of an injunction to be availed by filing civil suit. Had the aforementioned order at that time not been implemented, the petitioner was not affected.

At this stage, Mr. Gill, learned counsel appearing for the

petitioner submits that he may be given liberty to file civil suit. In case, such suit is filed along with interim application, the trial Court shall decide the ex parte interim application within two days, uninfluenced with the findings rendered by the authorities below as the foundation had been only that it was barred by law of limitation.

The writ petition stands disposed of with the aforementioned observations.

A copy of this order be given under the signatures of Reader attached to this Court.

(AMIT RAWAL)
JUDGE

June 02, 2017
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No