

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

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CR No.1804 of 2018 (O & M)

Date of Decision:26.03.2018

Phuman Singh since deceased through his LRs

...Petitioners

Versus

Santokh Singh @ Pappu and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R. S. Chauhan, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-petitioner has challenged the order passed by the learned trial Court confirmed by learned First Appellate Court refusing to grant temporary injunction on the ground that the parties are co-owners in the suit property.

Learned counsel for the petitioner has now placed on file an order passed by the revenue authorities dated 18.02.2008 to assert that the property has already been partitioned.

It is not disputed that this order was not produced before the Courts below when the application for temporary injunction was decided.

In view thereof, this Court cannot permit plaintiff-petitioner to raise an argument which was not pressed before the Courts below. Since only an application for temporary injunction has been decided, therefore, the plaintiff-petitioner is always at liberty to move a fresh application apprising the Court about the order subsequently passed.

Revision petition is disposed of.

26.03.2018

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**(ANIL KSHETARPAL)
JUDGE**