

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

**CR No.2237 of 2018 (O&M)
Date of decision : April 05, 2018**

Ashok and others

..... Petitioners

Versus

Ram Kanwar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shilak Ram Hooda, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 09.10.2017 passed by learned Addl. District Judge, Sonapat, affirming the order dated 27.05.2016 passed by learned Addl. Civil Judge (Sr. Divn.), Sonapat, vide which an application for grant of temporary injunction was dismissed by the trial Court.

Heard.

The plaintiffs had filed a suit for declaration and permanent injunction against his co-sharers for restraining them from alienating the disputed property and also dispossessing them. The trial Court has taken the view that the plaintiffs have failed to prove the *prima facie* case. It is also held that no injunction can be granted against the co-sharers.

Learned counsel for the petitioners has argued that in view of the law laid down in case of “*Tanusree Basu & Ors. Vs Ishani Prasad Basu & Ors*”, 2008(3) R.C.R.(Civil) 519 and in case of “*Jai Karan Sharma vs Ram Kumar*”, 2009(1) R.C.R. (Civil) 546, a co-sharer in settled position can be granted injunction.

It is contended that there are houses of the petitioners on the part of the disputed property, measuring 7 kanals, 18 marlas.

I am of the view that before this Court in the present revision petition, only those documents, which were produced before the trial Court can be considered. Before the trial Court, there is no *prima facie* evidence regarding the possession of the plaintiffs. There are concurrent findings of two Courts below and there is no ground to interfere in the same.

It also comes out that a suit for partition is pending between the parties and if plaintiffs so desire, they can press for injunction in said suit.

As such, the present revision petition is dismissed. Since, the main petition has been dismissed, therefore, pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

April 05, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No