

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 227 of 2018 (O/M)
Date of decision : 16.1.2018

Surjit Singh

..... Petitioner

Versus

Swaran Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Premjit Kalia, Advocate, for petitioner.

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 ?
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KULDIP SINGH J. (ORAL)

Impugned in present revision is the order dated 18.8.2015 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Tarn Taran, vide which an application filed by present petitioner under Order 39 Rules 1 and 2 read with Section 151 of Civil Procedure Code, 1908, was dismissed. Also impugned is the order dated 3.10.2017 (Annexure-P-2), passed by the learned Additional District Judge, Tarn Taran, vide which appeal against the said order was dismissed.

I have heard the learned counsel for petitioner and have also carefully gone through the impugned orders, passed by Courts below.

Plaintiffs have sought ad interim injunction for restraining respondents/defendants from dispossessing them from the suit land, forcibly and illegally, on the basis of wrong and illegal mutation entries and also through partition. The lower Court has taken the view that the partition has already taken place on the basis of judgment referred to in the said case. Therefore, the relief was declined.

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I am of the view that the lower Court could not order that partition should not take place. If the partition has taken place, it is a due process of law. Finding of facts have been recorded by both the Court Courts below. There are concurrent findings of two Courts below. There is no ground to interfere in the impugned orders. Therefore, instant revision is dismissed.

(KULDIP SINGH)
JUDGE

16.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No