

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

137

CR No.4089 of 2016 (O&M)

Date of decision: 08.05.2018

Vikram

..... Petitioner

Versus

Hari Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Jaswant Jain, Advocate
for the petitioner.

Mr. Vinod S. Bhardwaj, Advocate
for respondent No.1.

Mr. Vipin Pal Yadav, Advocate
for respondent No.2.

ANIL KSHETARPAL, J.

Plaintiff-petitioner is in the revision petition against the order passed by the learned First Appellate Court vacating the temporary injunction granted by the learned trial Court.

Defendant No.1 had sold the land measuring 2 kanals and 13 marlas along with certain construction to defendant No.2 i.e. Suman vide registered sale deed. The plaintiff filed a suit for declaration and permanent injunction claiming that defendant No.1 who is co-owner and co-sharer was not the owner of 2 kanal and 13 marlas in his share and therefore, the sale beyond his share is illegal. Learned trial Court ordered that status quo be maintained. However, the learned First Appellate Court has chosen to reverse the order.

During the course of arguments, learned counsel for the

petitioner admitted that even as per his calculations, share of defendant No.1 would be little more than one kanal. However, he submitted that the learned First Appellate Court has committed an error in vacating the temporary injunction order.

On the other hand, learned counsel for the respondent submitted that defendant No.2 is only constructing a building on 300 sq. yard area and the substantial progress has already been made in the construction of the house. He submitted that he shall not claim any equity if ultimately the suit filed by the plaintiff is decreed. He has further submitted that wife of the plaintiff-petitioner has also filed a suit for specific performance of the agreement to sell against defendant No.2-respondent No.2.

Keeping in view the stand taken by the parties, defendant No.2 is permitted to complete the construction on an area of 300 sq. yard approximately. However, the respondent would not change the nature of the remaining land/plot.

This Court has noticed that the civil suit filed is pending for more than 3 years.

Keeping in view of the aforesaid facts, the learned trial Court is requested to take steps to expeditiously decide the suit.

With these observations, the revision petition is disposed of.

08.05.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No