

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6603-2015 (O&M)

Date of decision : 24.01.2018

Pardeep Kumar and ors

..... Petitioners

Versus

Prakash Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manish Kumar Singla, Advocate for the petitioners.

None for respondent.

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 1.9.2015 (Annexure P-4) passed by learned Additional Sessions Judge, Sangrur vide which appeal was allowed and the order dated 7.7.2015, (Annexure P-3) passed by learned Civil Judge (Senior Division), Sangrur granting ad-interim injunction to the plaintiffs, restraining them from interfering into the possession of the plaintiff over the suit property forcibly and illegally except in due course of law was set aside. Learned Appellate Court dismissed the application filed under Order 39 Rule 1 and 2, CPC by the plaintiffs.

I have heard learned counsel for the petitioner.

Respondent is not present despite being notified, therefore his case has been considered.

Plaintiffs claim that Prakash Singh-defendant was earlier the co-sharer and he has sold his entire share and is not in possession of any portion of the joint land. However, the copy of the *jamabandi*

for the year 2011-2012 of Village Bakhtari, Tehsil Bhawanigarh, Distt. Sangrur, (Annexure P-1) placed on the file shows that in addition to the plaintiffs, defendant- Prakash Singh son of Ralla Singh is also recorded to be the co-sharer to the extent of 126/2627 share in the entire joint *Khata*. Defendant- Prakash Singh is also recorded in possession as co-sharer in the suit land *Khatauni No. 176 measuring 21 Bigha 8 Biswa*, which is in dispute. The entries in the *jamabandies* carry presumption of the truth, though these are rebuttable entries. So far as, there is nothing on the file to show that Prakash Singh-defendant has sold his entire share and is no more co sharer. If he is the co-sharer, as recorded in the jamabandi, he can protect his exclusive possession over the specific *khasra* numbers as co-sharer.

In view of the above, I do not find any illegality or infirmity in the order dated 1.9.2015 (Annexure P-4) passed by learned Additional Sessions Judge, Sangrur.

Consequently, present revision petition stands dismissed.

(KULDIP SINGH)
JUDGE

24.01.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No