

In the High Court of Punjab and Haryana at Chandigarh

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CR No.8682 of 2017 (O&M)

Date of decision: 27.7.2018

SAJJAN SINGH AND ANOTHER

.....petitioners

Versus

RANBIR SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shiv Charan Bhola, Advocate,
for the petitioners.

Mr. Mohan, Advocate for
Mr. A.S.Rehal, Advocate
for respondent No.1.

Mr.M.S.Longia, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J (oral)

Petitioners have filed the present revision petition challenging the order dated 28.11.2017 passed by Civil Judge (Jr.Divn.), Rupnagar, whereby application under Order 1 Rule 10 CPC read with Section 151 CPC was dismissed.

As per the stand taken by defendant Mohinder Singh in the written statement, defendant has constructed the house in the suit property in the year 1998 and thereafter, the same was partitioned between his sons, namely, Sajjan Singh and Kamaljit

Singh and they are in possession at the spot. The application filed by the petitioners under Order 1 Rule 10 CPC has been declined vide order dated 28.11.2017 and the present revision petition has been preferred against that order. Plaintiff does not wish to contest with any other person except Mohinder Singh. Suit for permanent injunction is filed on some personal grievance against the defendant in terms of his intent to encroach upon the suit property.

In my considered opinion, possessory rights of the petitioners, if any, cannot be answered in the present litigation. Plaintiff does not wish to contest against them. No case for interference in the present revision petition is made out. However, petitioners would be at liberty to establish their cause of action on the basis of possessory rights over the suit property in accordance with law.

Petition stands disposed of accordingly.

(RAJ MOHAN SINGH)
JUDGE

July 27, 2018
anita

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No