

RSA No. 1345 of 2017(O&M)

Date of Decision: 27.8.2018

Smt. Madhu Bala

---Appellant

versus

Yadwinder Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Avtar S.Khinda, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for grant of permanent injunction restraining the respondents-defendants from interfering in peaceful possession of the plaintiff and other co-sharers and further restraining them from raising any construction over the plot measuring 2 kanal 6 marlas being 46/215 share of property measuring 10 kanal 15 marlas of khasra No. 241/1(10-15), detailed in head note of the plaint was dismissed by the trial court vide judgment and decree dated 22.1.2013 and the same stand affirmed in appeal by the Additional District Judge, Jalandhar vide judgment and decree dated 26.10.2016.

As per case set up by the appellant, she purchased plot measuring 2 kanal 6 marlas from Balkar Singh son of Balbir Singh and Baljit Singh son of Charan Singh vide sale deed dated 27.11.2007. She sold property measuring 1 kanal 18 marlas 7 sarsahi to Karnail Singh, Surinder Singh and Balbir Singh sons of Bhajan Singh. Defendant No. 2

purchased 10.5 marlas of land from khasra No. 241 vide sale deed dated 5.11.2007. Later, defendant No. 2 exchanged the said property with Balbir Singh son of Gurdit Singh from khasra No. 241/1.

Counsel for the appellant has not pointed out any materials on record to substantiate her (appellant) plea that consistent findings recorded by the Courts suffer from an error much less perversity, warranting intervention.

Indisputably, as per plea of the appellant she sold land measuring 1 kanal 18 marlas 7 sarsahi out of 2 kanal 6 marlas purchased by her to Karnail Singh, Surinder Singh and Balbir Singh sons of Bhajan Singh and delivered possession to her vendees meaning thereby that she was left with interest in khasra No. 241/1 only to the extent of less than 8 marlas. The appellant cannot claim any relief on behalf of her vendees unless she pleads and proves that she has the authority on their behalf to seek injunction. She has not given description of the land which was left with her after sale in favour of Karnail Singh etc. The relief of injunction is equitable in nature and cannot be allowed in favour of a party who has approached the court with uncleaned hands. As such, the appeal sans merit and deserves to be dismissed.

For the foregoing reasons, the appeal fails and is dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

27.8.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No