

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

131

CR No.8904 of 2018 (O&M)

Date of decision: 17.12.2018

Paramjit Kaur

..... Petitioner

Versus

Kulwant Singh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. H.P.S. Ghuman, Advocate  
for the petitioner.

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**ANIL KSHETARPAL, J. (ORAL)**

This revision petition has been filed with the following  
prayers:-

*“Revision Petition under Article 227 of the Constitution of India for seeking indulgence of this Hon'ble for dismissal of the suit for permanent injunction simpliciter bearing No.CIS-CS 3873/2013 dated 4.5.2013 titled as “Kulwant Singh Vs. Paramjit Kaur and others (Annexure P-1)” pending in the court of Civil Judge, Fatehgarh Sahib for 10.12.2018, as no suit for permanent injunction is maintainable against joint owner for restraining him from alienating specific portion of the suit property or raising construction thereon as per the law laid down by the Hon'ble Supreme Court of India and by this Hon'ble Court and only remedy is to file partition application. Suit (Annexure P-1) is a gross abuse of the process of law and has been filed with malafide intention to harass the petitioner from enjoying the fruits of the property inherited by her and her son of her husband, which they is legally entitled to deal in the manners they feel right.*

**OR**

*In the alternative the Ld. Trial Court may kindly be directed to decide the issue No.2 in time bound manners with reference to the law laid down by the Full Bench orders of this Hon'ble Court recorded in Bhatru's and Ram Chander's case.*

*It is further prayed that proceedings before the Ld. Trial Court may kindly be stayed, in the interest of justice.”*

It is not disputed that the application for temporary injunction was disposed of by the trial Court vide order dated 09.11.2017. The suit was instituted on 04.05.2013. Thus, the suit is pending for more than 4½ years.

In view of the above, this Court find no reason now to direct the trial Court to treat the issue of jurisdiction as a preliminary issue and decide the same. However, keeping in view the fact that the suit is pending for 4½ years, the revision petition is disposed of by directing the trial Court to make a sincere attempt to dispose of the suit itself as expeditiously as possible.

Revision petition is disposed of.

**17.12.2018**  
Dinesh Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No