

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1747 of 2018(O&M)
Date of Decision: 05.03.2019

Prabhu and another

.....Petitioners

Versus

Ram Kishan

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sumit Gupta, Advocate
for the petitioners.

Mr. Vipin Yadav, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. In an application under Order 39 Rules 1 and 2 CPC, trial Court dismissed the application for grant of injunction in favour of the plaintiff. However in appeal before the Lower Appellate Court, the same has been allowed and the defendants were restrained from raising any kind of construction over the suit land and also restrained them from selling land in excess of their share.

[2]. Admittedly, both the parties are co-sharers in the joint land. Partition proceedings are pending before the revenue

Court.

[3]. During course of arguments, a consensus has been arrived at between the parties that the petitioners shall not alienate any land in excess of his share and construction already raised or intended to be raised would be subject to final decision of partition proceedings. If the khasra No.115//9/1/2/1 is ultimately allotted in favour of respondent, the petitioners shall either remove the construction or shall not claim any compensation for the construction in question.

[4]. In view of consensus arrived at between the parties, this revision petition is disposed of. Trial Court shall decide the issue of maintainability of the suit in accordance with law.

05.03.2019

Prince

**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**