

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 2625 of 2019

Date of Decision: 30.05.2019

Karnail Singh

.....Petitioner

Vs.

Nachhattar Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanjay Jain, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court, as also that of the appellate Court, by which the application filed by respondent no. 1 (plaintiff), under Order 39 Rules 1 and 2 CPC, has been allowed, thereby restraining the petitioner from interfering, during the pendency of the suit filed by the said respondent, in the plaintiffs' peaceful possession of the suit property.

It has been observed by both the courts below that the respondent-plaintiff had duly produced a registered sale deed dated 07.03.2006 in her favour, with the sale deeds relied upon by the petitioner, dated 08.02.2013, however not having been produced, with it further observed that even the revenue record showed her to be in possession of land, in which she otherwise is a co-sharer.

The trial Court has also observed that the respondent-plaintiff had alleged that her possession was being threatened by the present petitioner (defendant) and she was prevented from being ousted, only with the help of neighbours, she being a 65 year old lady.

The learned appellate court has also referred to one transfer deed dated 27.02.2017, vide which the 2nd appellant before that Court, i.e. one Karamjeet Kaur, was contended to have transferred the land to the petitioner before this Court (i.e. appellant no. 2 before that Court). It has been observed by the appellate court that even that document had not been produced.

That being so, looking at the entire circumstances, without making any comment on the actual merits of the case of either of the parties one against the other, (which naturally would be looked into by the trial Court at the time of adjudication of the suit on the basis of the evidence led), I see no reason to interfere with the impugned orders passed.

Consequently, this petition is dismissed in *limine*.

May 30, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.