

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

CR-4292-2019 (O&M)

Date of decision: 16.07.2019

Gurnam Singh

...Petitioner

Versus

Jai Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Krishan Singh, Advocate for the petitioner.

H.S. MADAAN, J.

This revision petition has been filed by revisionist Gurnam Singh, who is plaintiff in the civil suit titled 'Gurnam Singh Vs. Jai Singh and another', feeling aggrieved by order dated 13.06.2019, passed by Civil Judge (Jr. Divn.) Yamuna Nagar at Jagadhri and order dated 27.06.2019, passed by Addl. District Judge, Yamuna Nagar at Jagadhri, vide which, an application for grant of ad-interim injunction had been dismissed by the trial Court and appeal filed against that order was rejected by Addl. District Judge, Yamuna Nagar at Jagadhri respectively.

As per facts of the case, plaintiff Gurnam Singh had filed a suit for grant of permanent injunction against his two brothers Jai Singh and Bali, restraining them from changing the existing nature of the suit land by raising any kind of construction on specific portion of joint land and from alienating any specific valuable portion of the said

joint land till the land is partitioned by metes and bounds. He had filed an application for grant of ad-interim injunction along with the suit. On getting notice, the defendants had appeared and contested the suit as well as application for grant of ad-interim injunction. The application for grant of ad-interim injunction was dismissed by the trial Court, vide impugned order dated 13.06.2019 with the observations that admittedly the parties are co-sharers in the suit land and during the course of arguments, the plaintiff had admitted the factum that he had already constructed his residential house over the part of the land bearing khasra No.1128. Though, this factum was not mentioned in the plaint. Therefore, the trial Court, keeping in view this factum, observed that he could not restrain the other co-sharers from making construction over the joint land and while saying so, referred to judgment by a Co-ordinate Bench of this Court titled as **Gursharan Singh Vs. Bhupinder Kaur and others, 2009(2)** Latest Judicial Reports 649.

When this order was challenged in appeal, learned Addl. District Judge, Yamuna Nagar at Jagadhri, vide impugned order dated 27.06.2019, dismissed the appeal observing that the plaintiff had failed to show the exact location of the suit land and he himself had constructed his house over a part of the joint land, therefore, prima facie there was no equity in his favour to seek injunction. The trial Court had observed in its order that the construction to be raised by the defendants would be subject to partition proceedings and the

defendants could raise construction over the land to the extent of their share. These observations have also been noted by learned Addl. District Judge, Yamuna Nagar at Jagadhri. I do not find anything wrong with the impugned orders. The orders are certainly not perverse or passed in violation of settled judicial principles. The discretion has been exercised by the Courts in a judicious manner and no interference therewith by exercising revisional jurisdiction is called for. Finding no merit in the revision petition, the same stands dismissed.

16.07.2019

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**(H.S. MADAAN)
JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No