

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

**Civil Revision No.4449 of 2019 (O&M)
Date of decision: 29.08.2019**

Bhajan Singh @ Harbhajan Singh and another

.....Petitioners

Versus

Raghbir Singh and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Jain, Advocate,
for the petitioners.

Mr. Kanwaljeet Singh Derabassi, Advocate,
for respondent Nos.1 to 3-caveators.

Ritu Bahri, J.

Petitioners have come up in appeal against the order dated 27.05.2019 (Annexure P-5) passed by the Additional District Judge, SAS Nagar (Mohali), whereby appeal filed by defendant-respondents against the order dated 08.02.2019 (Annexure P-4) has been accepted and application filed by plaintiff-petitioners under Order 39 Rule 1 and 2 CPC for grant of ad-interim injunction has been dismissed.

On 18.07.2019, this case was adjourned to enable learned counsel for the petitioners to assist, whether the construction sought to be raised by the defendants is detrimental to the interest of other co-sharers.

Learned counsel for the petitioners states that land between the

construction, it will diminish the value of agricultural land. He further states that after raising construction, the land can never be reverted back as agricultural land.

While passing the impugned order dated 27.05.2019 (Annexure P-5), the Court has observed that the defendants had stated in the written statement that they have raised construction upto the lintel level and restraining them from raising further construction would result in irreparable loss. Photographs placed on record by the defendants also showed that they have already raised construction upto the lintel level.

Those photographs have again been shown in Court today. A perusal of the same shows that this is a residential area. Other residential houses are already constructed there. Hence, this area is not being used for agricultural purpose. Keeping in view the judgment passed by this Court in **Balkar Singh and others vs. Kehar Singh and others**, 2007 (3) RCR (Civil) 443, application under Order 39 Rules 1 and 2 CPC has rightly been dismissed by the lower appellate Court. Resultantly, having examined the impugned order, no illegality, much less perversity has been found therein, warranting interference by this Court.

No merits.

Dismissed.

29.08.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No