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

**Civil Revision No.8049 of 2019 (O&M)
Date of Decision: 13.12.2019**

BALWANT SINGH

.....Petitioner

Vs

KEWAL SINGH @ KAVAL SINGH AND OTHERS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.P.S. Rehan, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has laid challenge to the order dated 05.11.2019 passed by the Civil Judge (Junior Division) Pathankot and order dated 19.11.2019 passed by the Addl. District Judge, Pathankot, whereby the application under Order 39 Rules 1 and 2 CPC filed by the plaintiffs was concurrently allowed.

[2]. Earlier a suit for permanent injunction was filed by the petitioner in respect of the property in question which was dismissed by the trial Court vide judgment and decree dated 06.08.2016. *Khasra Girdawari* based on the order dated 02.03.2009 passed by the Assistant Collector, Gurdaspur was

considered by the civil Court and it was held that the entry is stray in nature. The order passed by the Assistant Collector, Gurdaspur was held to be an *ex parte* order. The change was effected in the name of the petitioner showing him to be a *Gair Dakhilkar*.

[3]. The findings recorded by the civil Court have attained finality. The present suit has been filed under Section 91 CPC in which the leave has already been granted by the trial Court. The property involved in the present case is the property for which injunction has been sought in respect of restraint qua alienation and construction.

[4]. In my considered opinion, both the Courts below have appreciated the controversy on prima facie consideration. No error of jurisdiction can be pointed out in the orders passed by the Courts below. This revision petition is found to be totally devoid of merits and is accordingly dismissed.

December 13, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No