

In the High Court of Punjab and Haryana at Chandigarh

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CR-1141-2020 (O & M)

Date of Decision: March 02, 2020

SURAJ MAL

.....PETITIONER

VERSUS

SATVIR SINGH AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Davinder Kumar, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 27.11.2019 whereby the application of the petitioner for passing preliminary decree has been declined.

Learned counsel for the petitioner contends that as defendant No.2 had admitted the claim of the applicant/plaintiff, preliminary decree should have been passed.

Heard.

The applicant/plaintiff had filed a suit for permanent injunction restraining the defendants from interfering in his peaceful possession and from alienating the suit property; suit for mandatory injunction directing respondents No.1 and 2 to vacate the suit property and hand over the vacant possession of the same. He had also sought partition of the suit property between the plaintiff and respondent No.3 in metes and bounds.

The defendant No.2-Vijay Singh in his statement made on 25.04.2017 had admitted the claim of the applicant/plaintiff and he had stated

that he had relinquished his share in the suit land in favour of the applicant/plaintiff. However, defendant No.1 has not admitted the claim of the petitioner and has raised objections to the passing of the preliminary decree and is contesting the suit.

I do not find any manifest illegality in the impugned order as the preliminary decree has been declined when the other defendants are contesting the suit. The claim would be finally adjudicated on the basis of evidence led by the parties.

In the result the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

March 02, 2020

A.Kaundal

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