

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

CR-5963-2019(O&M)

Date of decision: 22.01.2020

Chhajju Ram

.....Petitioner

Versus

Jai Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.S.Dinarpur, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Plaintiff no. 1 has filed the present revision petition against the order passed by the first Appellate Court vacating the temporary injunction granted by the Trial Court.

Learned First Appellate Court has noticed that defendants in the previous suit have made following statement:-

“Memo of appearance on behalf of defendant No.1 filed. Power of Attorney on behalf of defendant No.2 filed. Written statement and reply to stay application not filed. However, defendant No.2 Jagdish Kumar as well as learned counsel for defendants have made statement that they may raise construction on the suit property subject to the partition of the suit property and they shall not claim any mesne profit qua the suit property. Plaintiff No.1 Chhajju Ram as well as learned counsel for the plaintiffs made separate statement that keeping in view

the statement made by the defendant No.2 as well as learned counsel for the defendants, they do not want to pursue with the present suit and withdraw the same and that parties may be bound by their statements. Heard. Keeping in view the statement made by the defendant No.2 as well as learned counsel for the defendants and in view of statement made by the plaintiff No.1 as well as learned counsel for the plaintiffs, present suit is dismissed as withdrawn. Parties shall be bound by their statements made before the Court. File be consigned to the record room after due compliance.”

Keeping in view the aforesaid facts, first Appellate Court has held that the rights of the plaintiff-petitioner are secured.

Parties are admittedly co-sharers. The plaintiff alongwith others have already filed a suit seeking partition of the joint property which is stated to be pending. Defendants are bound by their statement suffered on 19.4.2019.

In view of the above facts, there is no ground to interfere.

Dismissed.

22.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No