

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7493 of 2019 (O&M)

Date of Decision: 20.1.2020

Sukhmandar Singh Brar and another
Vs.

...Petitioners

Ranjit Kaur and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dhirinder Chopra, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. The suit property in the application under Order 39 Rule 1 & 2 CPC is a parcel of vacant agricultural land among other nearby land in which there appears to be an illegal colony coming up with constructions. The petitioner is the defendant in the suit filed against him for permanent injunction restraining him from interfering in the peaceful possession of the plaintiffs. The petitioner claims title through a non-registered agreement with one Faqiria Singh who is said to be the owner with the petitioner when he was minor acting through his father Pal Singh. Since the sale consideration was a mere Rs.96/- for 34 Marlas of land falling in Khasra number 536 (0-16) as described in the suit in Village Rajeana, Tehsil Baghapurana, District Moga it was not compulsorily registrable being less than Rs. 100.

2. Learned counsel for the petitioners states that the petitioner who is now a major has a house adjoining the disputed plot, urging that the plaintiffs had purchased only 03 Marlas and 06 Sarsahis from the

total plot *ad* measuring 34 Marlas, therefore, the interim injunction should not have been granted over the entire suit property and in the alternative could have been confined only to 03 Marlas and 06 Sarsahis as only that area would have fallen to the share which once stood in the name of Malkeet Singh s/o Bhagwan Singh, Jasvir Singh s/o Bhagwan Singh, Jagdev Singh s/o Bakhtaur Singh, Kulwan Singh s/o Lachman Singh and Jaswant Singh s/o Lachman Singh. It is not disputed before me that the plaintiff is in settled possession of land as per the khasra girdawaris.

3. Without expressing any opinion on the merits of the case so as not to prejudice the parties, the order passed by both the Courts below affirming the temporary injunction granted by the trial Court in favour of the plaintiffs and against the defendants restraining them from doing all acts and things which have been forbidden by the interim order till the pendency of the suit is affirmed.

4. I find no infirmity in the exercise of judicial discretion to interfere in the orders of the Courts below. Accordingly, I have no warrant to interfere with those well reasoned orders. The petition is dismissed.

5. Trial to proceed.

(RAJIV NARAIN RAINA)
JUDGE

20.1.2020
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Whether speaking/reasoned : Yes
Whether reportable : Yes/No