

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

CR-132-2021(O&M)

Date of decision:28.01.2021

Chanda Ram

.....Petitioner

Versus

Hari Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Parminder Singh, Advocate for the petitioner

ANIL KSHETARPAL, J.

The plaintiff-petitioner has filed this revision petition under Article 227 of the Constitution of India seeking the setting aside of orders passed by the courts below while deciding an application under Order 39 Rules 1 and 2 CPC, for grant of temporary injunction. The appeal filed by the plaintiff has also been dismissed.

It is apparent that the dispute is between the brothers and a suit for partition is pending. If it is proved that there was no previous partition of the property then any sale of a specific share would be deemed to be out of the undivided share. Still further, learned counsel for the petitioner, although, made a sincere attempt, however, failed to draw the attention of the Court to any substantive error or perversity in the exercise of its discretion by the trial court which has been affirmed by the Appellate Court. Hence, no ground to interfere is made out. Dismissed.

28.01.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)
JUDGE**