

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

CR-268-2021(O&M)

Date of decision: 25.08.2021

Malkeet Singh and another

...Petitioners

Versus

Kashmir and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Lal Singh Sandhu, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioners (defendants) assail the correctness of the concurrent orders passed by the learned trial court on 01.12.2020, while partially allowing the application for grant of temporary injunction, which has been affirmed by the Appellate Court. Respondent no. 1 and 2 filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in the ownership and possession of constructed plot measuring 18 marlas. The plaintiffs claimed ownership and possession on the basis of a registered sale deed dated 04.05.2011.

The defendants contested the suit and claimed that they are in possession of the suit property. They also filed a counter claim seeking relief of permanent injunction qua 15 marlas of land.

Learned trial court, on appreciation of material, found that the plaintiffs have proved their prima facie possession over land measuring 7 marlas. Thus, the court restrained the defendants from interfering in their possession. Two first appeals were filed, which were

dismissed by learned First Appellate Court.

Learned counsel representing the petitioners contends that the defendants became the owner in possession of the property pursuant to a release deed executed by their father-Shaminder Singh. He, hence, contends that both the courts have erred in granting injunction.

At this stage, the question is as to “who is in the settled possession of the property?” Both the courts have concurrently found that prima facie the plaintiffs are in the exclusive possession of 7 marlas of the plot as per the registered sale deed dated 04.04.2011 and jamabandi for the year 2012-13. It is not in dispute that the civil suit is pending.

Keeping in view the aforesaid facts, no ground to interfere with the concurrent orders passed by the courts below is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

25.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE