

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

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**CR-447-2021(O&M)
Date of Order:19.07.2021**

BIRENDER AND ORS

..Petitioners

Versus

KANWAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav , 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 defendants-petitioners assail the correctness of the order passed by the learned trial court while allowing an application under Order 39 Rule 1 & 2 CPC, restraining the defendants from interfering in the house constructed in Killa No.54//7/1. The plaintiff claims that the aforesaid piece of land has come to his share in mutual partition. The defendants claims that the mutual partition was never acted upon as the possession was never exchanged.

Both the courts have relied upon the reports of Halqa Girdawar, Kanina which have been prepared by him after visiting the disputed property. It has been reported that the house as alleged by the plaintiff is in existence.

Admittedly, the suit is pending. In the revenue record, the entire property is recorded to be joint between the parties till 2016. No doubt, in the year 2016, mutation No.1742, dated 27.05.2016, on the basis of a mutual partition, was sanctioned and the disputed property is shown to have fallen in the share of the plaintiff.

Learned counsel representing the petitioners, although, made sincere attempts, however, failed to draw the attention of the Court to any perversity in the orders passed by the learned trial court as well as by the first appellate court.

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

Dismissed.

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

July 19, 2021
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(ANIL KSHETARPAL)
JUDGE

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