

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

**CR-804-2021(O&M)**

**Date of decision:01.04.2021**

**Raj Kumar**

**.....Petitioner**

Versus

**Ramesh and others**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

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

**ANIL KSHETARPAL, J.**

The plaintiff-petitioner has assailed the correctness of orders passed by the learned trial court which has been affirmed in appeal by the learned First Appellate Court refusing to grant temporary injunction. The plaintiff filed a suit for grant of decree of permanent injunction restraining the defendants for changing the nature of the suit land, claiming that he is co-sharer alongwith defendants with respect to land measuring 482 kanals 10 marlas. It is also claimed that separate proceedings for partition are also pending. In the written statement, defendants contested the suit by pleading that the partition has already taken place and more than 50 houses have been constructed over the property. The defendants further took a stand that the father of plaintiff no.1 has executed various sale deeds with regard to specific property. In the replication, the aforesaid assertions were not denied. Thus, both the courts have prima facie found that the plaintiff has failed to make out a case for grant of temporary injunction.

Learned counsel for the petitioner while drawing attention of the Court to Annexure P-5 submits that the partition proceedings are still pending.

Be that as it may, once the plaintiffs have failed to controvert the pleadings to the effect that the father of plaintiff no.1 has himself been selling specific portion of the property and more than 50 houses have already been constructed, this Bench does not find it appropriate to interfere with the orders passed by the courts below.

Hence, dismissed.

**01.04.2021**

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

**(ANIL KSHETARPAL)**  
**JUDGE**