

CR No. 1204 of 2021

Date of Decision: June 30, 2021

Parkash Chand

.....Petitioner

versus

Malkiat Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sanjay Majithia, Sr. Advocate with
Mr. Shailendra Sharma, Advocate for the petitioner

Sudhir Mittal, J. (Oral)

The petitioner is the plaintiff. He has filed a suit for permanent injunction against his brother for restraining him from raising construction upon un-partitioned land. The partition application is pending before the revenue authorities. However, the trial Court dismissed the application for ad interim injunction. In appeal, notice has been issued but the appellate Court has refused to grant ex-parte stay.

Learned senior counsel for the petitioner submits that since partition is pending, raising of construction upon any part of the suit property would cause irreparable damage which can not be compensated. Thus, interim stay of construction should have been granted while issuing notice.

Considering the nature of the matter, I deem it appropriate to dispose of this petition without issuing notice to the respondent.

Accordingly, the revision petition is disposed of with a direction to the appellate Court to decide the stay matter on the date already fixed i.e. 12.07.2021.

Meanwhile, the respondent-defendant shall not raise any construction on the suit property.

June 30, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No