

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

**Civil Revision No.1449 of 2021 (O&M)
Date of Decision: August 04, 2021**

Sukhchain Singh and another

.....Petitioners.

VERSUS

Swaran Kanta and others

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE G. S. SANDHAWALIA

Present: Mr. Ankit Grewal, Advocate
for the petitioners.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J.(Oral)

By filing the present civil revision under Article 227 of the Constitution, petitioners/plaintiffs challenge the orders of the Courts below, whereby interim injunction has been declined by Civil Judge (Junior Division), Shahabad on 05.04.2021, which has been upheld by lower Appellate Court on 23.04.2021.

Counsel for the petitioners/plaintiffs has vehemently submitted that the land is joint in nature and therefore, respondents No.1 and 2, who are purchasers vide sale deed dated 01.03.2021 (Annexure P-2) were not entitled for possession of the specific portion and therefore, the Courts below are not justified in declining the ad interim injunction.

Perusal of the paper-book would go on to show that a suit for permanent injunction was filed by plaintiff No.1 Sukhchain Singh son of

Asha Singh and plaintiff No.2 Rajwinder Kaur wife of Sukhvinder Singh deceased son of Asha Singh. The sale deed was executed by defendant No.3 Gurmeet Singh, another son of Asha Singh. A perusal of the same would go on to show that for a sum of Rs.25,00,000/-, defendants No.1 and 2 purchased the land along with tube-well connection including the Rasta, water-course, ingress, egress etc. Possession of the land and share in the tube-well was also handed over to the vendees as per the recital in the sale deed. Mutation was also entered in favour of the purchasers on the strength of the sale deed (Annexure P-3).

The Courts below had found that there was a written compromise between the three brothers dated 11.11.2019 and there was a site plan attached with the said compromise and therefore, the vendor had exclusive possession over the land in dispute. It was, in such circumstances, the injunction has been declined. It has also been noticed that the vendor, as such, had never contested the proceedings and has opted to enjoy the benefits of the sale deed, leaving the purchasers to face the litigation raised by other family members.

The suit, as such, has also not been filed for declaration that the alleged sale deed was over and above the share of the vendor and it is a simple suit for permanent injunction.

In such circumstances, the ad interim injunction has been declined while noticing that only the admissibility of the compromise dated 11.11.2019 was being questioned. It is also noticed by the lower Appellate Court that it is only an issue of interim injunction, which is to be considered at this stage and the main injunction application will be decided on merits.

In such circumstances, since the main injunction application is yet to be decided and ad-interim injunction is declined, this Court does not deem it a fit case to exercise its supervisory/revisional jurisdiction.

The revision petition, thus, is dismissed in limine.

(G. S. SANDHAWALIA)
JUDGE

August 04, 2021

Sachin M.

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*