

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

CR-1809 of 2021 (O&M)

Date of decision: 28.09.2021

Baljeet Singh

...Petitioner

Versus

Narender Kaur and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. J.S. Chahal, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Briefly stated facts of the case are that plaintiff Baljeet Singh son of Sh. Vanchit Singh, aged about 68 years, had filed a suit for grant of permanent injunction against defendants Narender Kaur, Karam Singh and Kuldeep Singh, praying for restraining the defendants from interfering in peaceful possession of plaintiff as co-sharer and from carving out plots and developing any colony/raising any construction or from making alienation out of suit property in Village Harauli, Tehsil Chhachhrauli, District Yamuna Nagar; in that suit, an application for grant of ad-interim injunction was filed; learned Addl. Civil Judge (Sr. Divn.) Bilaspur, vide order dated 28.09.2020, allowed the application; resultantly, defendants No.1 and 2 were restrained from interfering in peaceful, physical and exclusive possession of plaintiff over the suit property and also to develop and carve out the plots till partition of the suit property.

This order left the defendants Narender Kaur and Karam Singh aggrieved and they had preferred an appeal before District Judge, Yamuna Nagar at Jagadhri; that appeal was assigned to the Court of Addl. District Judge there, who, vide order dated 27.10.2020, accepted the appeal partly, setting aside the portion of impugned order passed by the trial Court, restraining the defendants from interfering in his actual and physical possession over the suit property, whereas, the remaining relief granted was left as such, observing that as regards construction and carving out of colonies over the suit property, learned counsel for defendants No.1 and 2 has categorically stated that no such construction or carving of colonies is being carried out nor they intend to raise construction or carving of colonies over the suit property; it was further observed that none of co-sharers has a right to change the nature of the suit property, which is admitted as agricultural land; however, finding of the trial Court to the effect restraining the defendants from raising any construction and carving any colonies was upheld.

Plaintiff Baljeet Singh aggrieved by that order has brought the present revision petition.

I have heard learned counsel for the revisionist/plaintiff besides going through the record and I find that the revision petition is without any merit. The order passed by learned Addl. District Judge, Yamuna Nagar at Jagadhri is quite detailed and well reasoned, keeping in view the factual and legal position on the subject. While modifying the order passed by the trial Court, learned Addl. District Judge has observed that since the co-sharers including the plaintiff are not shown to be in

exclusive possession of the suit property, therefore, the order passed by the trial Court restraining the defendants from interfering in alleged actual and physical possession of the suit property was set aside, whereas, remaining part of the order was upheld for the reason that none of the co-sharers could change the nature of suit property, which was admittedly agricultural land and therefore, they could not be permitted to raise any construction there or carve out any colony. The order is quite legal valid, does not suffer from any infirmity. The same is upheld. The revision petition is found to be without merit and is dismissed accordingly.

28.09.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No