

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

Sr. No.115

CR-2481-2021 (O&M)
Date of decision : 07.12.2021

Jagdish

..... Petitioner

VERSUS

Dev Raj and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. U.K. Kanwar, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The defendant has filed this revision petition challenging orders passed on an application filed by respondent No.1 alongwith his plaint under Order 39, Rules 1 and 2 C.P.C.

Respondent No.1 has filed a suit for permanent injunction restraining the defendants from changing the nature of the suit property by raising construction over a specific portion. Alongwith the plaint, an application under Order 39, Rules 1 and 2 C.P.C was also filed. The application has been allowed by the trial Court and the defendant-petitioner has been restrained from raising construction. Appeal filed against the said order has failed.

Learned counsel for the petitioner has raised only one argument i.e. the parties being co-sharers, no injunction can be granted.

The argument cannot be accepted because a perusal of the order of the appellate Court shows that it is the own case of the petitioner-defendant that through a mutual agreement, the co-sharers are in settled exclusive

possession of specific killa numbers. That being the case, the co-sharer can be injuncted in a suit filed by another co-sharer.

The revision petition thus, has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

07.12.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No