

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

114

CR-1878-2019

Date of decision: 29.11.2022

BALJIT SINGH GILL

..Petitioner

Versus

SURJIT SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pushpinder Kaushal, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner herein is the plaintiff in a pending suit for grant of decree of permanent injunction restraining the defendants from interfering in his possession on the first floor of the house. Along with the suit, an application for grant of temporary injunction was also filed by him. Both the trial Court and the First Appellate Court have refused to grant temporary injunction in his favour. The parties to this dispute are brothers. They claim that in a family settlement, the land comprised in rectangle No.84, Khasra No.15, 16 and 25 was allotted to them and they have constructed a house in one portion thereof.

This revision petition has been filed challenging the correctness of orders passed by the trial Court as well as the First Appellate Court. The learned counsel representing the petitioner while referring to para 1 and 2 of the plaint and written statement submits that the possession of the petitioner is admitted, therefore, he is entitled to a temporary injunction.

The written statement filed by the defendants is required to be read as a whole. Some paragraphs in the written statement cannot be read in isolation of the pleadings in the other paragraphs.

In para 2 of the preliminary objections, the defendants have contended that the plaintiff is living in the western side of the house in question which abuts the house of the defendant No.1. It has further been asserted that the plaintiff has no right to assert his possession on the house in question as the same was built by defendant No.2. It has also been asserted that in a family settlement, the land comprised in rectangle No.84, Khasra No.15, 16 and 25 was allotted to the defendants for construction of their houses and accordingly, the defendants have already constructed their houses upon the aforesaid land allotted to them.

In these circumstances, there is no substance in the arguments of the learned counsel representing the petitioner.

Dismissed.

Needless to observe that the observations made by this Court while deciding this revision petition shall not be construed as final expression on the merits of the case.

All the pending miscellaneous applications, if any, are also disposed of.

November 29th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*