

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

134

CR-2734-2022

Date of decision: 18.07.2022

Krishna Devi and others

.....Petitioners

Versus

Balbir Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manav Parteek, Advocate for the petitioners.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been preferred under Article 227 of the Constitution of India for setting of the impugned order dated 04.04.2022 (Annexure P-8) passed by the learned trial Court vide which the application dated 03.10.2019 (Annexure P-7) for amendment of issue No.1 and framing of an additional issue in civil suit bearing No.CS/424/2016 titled as 'Balbir Singh Vs. Krishna Devi and others' was dismissed.

Learned counsel for the petitioners (defendants) submits that the Court below gravely erred in passing the impugned order without considering the pleadings of the parties in the right perspective. He submits that the suit for permanent injunction was filed by the respondent (plaintiff) claiming himself to be owner in possession, however, the petitioners had categorically and specifically denied the ownership as well as the possession of the plaintiff in their written statement. It has been argued by learned counsel that the petitioners are owners in possession of the suit land. Since both the parties are claiming to be the owners, the question of title would have to be settled by

framing appropriate issues in the said regard. Learned counsel has, therefore, urged that in the absence of any issues being framed qua the ownership of the suit land, the petitioners would not be able to lead any evidence to prove their case.

I have heard learned counsel and perused the material on record.

The respondent/plaintiff has filed a suit for permanent injunction restraining the petitioners/defendants, their agents etc. from interfering or causing to interfere in any manner whatsoever in the peaceful possession of the plaintiff being owner of the suit property as detailed in the plaint. It would not be out of context to observe here that since it is a suit for simpliciter permanent injunction and no declaration qua the title of the suit property has been sought by the respondent/plaintiff, the trial Court would not be required to adjudicate upon the title of the parties over the suit property. The Court has to simply satisfy itself as to which out of the two parties is in possession of the suit property and thereafter to record findings as to whether the plaintiff is entitled to the relief of permanent injunction.

As a sequel to the above, this Court does not find any merit in the submissions made by learned counsel for the petitioner.

Dismissed.

18.07.2022

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(MANJARI NEHRU KAUL)
JUDGE

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