

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

Sr. No.104 (two connected cases)

CR-2646-2021 (O&M)

Kuldeep Singh and another

..... Petitioners

VERSUS

Poonam and others

..... Respondents

CR-2648-2021 (O&M)

Kuldeep Singh and another

..... Petitioners

VERSUS

Poonam and others

..... Respondents

Date of decision : 21.02.2022

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parminder Singh, Advocate, for the petitioners.

SUDHIR MITTAL, J. (Oral)

A suit for injunction was filed for restraining the defendants therein from interfering in the possession of the plaintiffs. The case of the plaintiffs was that they were in exclusive possession of the suit property and were entitled to grant of injunction. Alongwith the plaint, an application under Order 39, Rules 1 and 2 CPC was filed which was allowed by the trial Court. The said order has been modified in appeal filed by the defendants on the ground that the plaintiffs are recorded in exclusive possession of only two killa numbers. Thus, the injunction has been restricted to the said two killa numbers.

Learned counsel for the petitioners-plaintiffs has submitted that partition proceedings are pending and that the recital in the sale deed of the defendants that possession of specific killa numbers was handed over to them, is incorrect.

The argument is not entitled to be accepted. The plaintiffs-petitioners are seeking an injunction against the defendants and thus, it is their possession which is to be seen. The finding of the appellate Court has not been shown to be erroneous and thus, it is obvious that the revenue record shows that the plaintiffs-petitioners are in exclusive possession of two killa numbers only. The exclusive possession of the defendants is irrelevant for the purpose of this case.

The revision petition has no merit and is dismissed.

A photocopy of this order be placed on the file of connected case.

(SUDHIR MITTAL)
JUDGE

21.02.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No