

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2800 of 2021

Date of Decision: 07.12.2022

Navita

... Petitioner(s)

Versus

Krishan Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Neeraj Yadav, Advocate
for the petitioner(s).

Mr. Sidharth Grover, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The petitioner herein is the daughter-in-law of the respondent No.1. The relationship between the petitioner and her husband (son of the respondent No.1) is strained.

2. The respondent No.1 (plaintiff) has filed a suit claiming to be the owner of a house built on a plot of land measuring 1 kanal & 4 marlas which was purchased by him vide sale deed dated 16.10.2000. Along with the suit, he filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC"). He impleaded his daughter-in-law as defendant No.1, whereas, Sh. Karambir (defendant No.1's father) as defendant No.2.

3. While contesting the suit, the defendants claim that the house is constructed in many parts and the defendant No.1 is the owner in possession of only one part of the house as per the oral family settlement.

in possession of the property, has declined to grant injunction. However, the First Appellate Court has reversed the order passed by the trial Court on the ground that the plaintiff is owner of the property pursuant to a registered sale deed and it is his self-acquired property.

5. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

6. The learned counsel representing the respondent No.1 admits that the petitioner (daughter-in-law) along with her child continue to reside in the said property and the respondent No.1 is residing in Delhi. At the time of grant of temporary injunction, the Court is primarily required to examine the possession of the parties. The learned counsel representing the petitioner claims that the property is a shared household of the petitioner which is strongly disputed by the learned counsel representing the respondent No.1. This Court does not wish to go into the aforesaid issue, at this stage, particularly when the case is pending in the Civil Court.

7. However, keeping in light the fact that the petitioner's possession is not disputed, this Court is of the view that the order passed by the First Appellate Court is not sustainable. Hence, this revision petition is allowed and the impugned order dated 25.08.2021 is set aside. The order passed by the trial Court on 22.07.2021 is restored.

(Anil Kshetarpal)
Judge

December 07, 2022

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No