

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

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**RSA-2260 of 2015 (O&M)
Date of Order: 27.04.2022**

Nand Saroop and another

..Appellants

Versus

Amrit Pal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jagraj Singh Khiva, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

While assailing the findings of fact arrived at by the First Appellate Court, defendants no.1 and 2 have filed the present appeal.

The plaintiff filed a suit for grant of decree of permanent injunction restraining the defendants from changing the nature of the property or raising any construction. The plaintiff claims that the parties are co-sharers and the partition proceedings are already pending.

The learned trial Court dismissed the suit while observing that Nand Saroop, Omkar and Satpal Singh have constructed their respective houses.

The learned First Appellate Court on re-appreciation of the evidence found that Nand Saroop and Omkar have raised construction and the partition proceedings are pending. Thus, the Court granted an injunction from changing the nature of the property.

The learned counsel representing the appellants contends that the parties are co-sharers and therefore, no injunction can be granted.

In the present case, the plaintiff is not alleged to have raised any construction. The property is a joint agricultural land. The partition proceedings are pending before the competent Court. It is the defendants who have raised the construction.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

April 27, 2022

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(ANIL KSHETARPAL)
JUDGE

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