

S.No.111

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

CR No.5324 of 2022

Date of Decision:18.11.2022

Gobind Rai and anotherPetitioners

Vs.

Swaranjit Singh and othersRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the petitioners.

DEEPAK GUPTA, J.

In Civil Suit titled as Gobind Rai and another Vs. Swaranjit Singh and others, - CNR No.PBSM02-001099-2019, application of the plaintiffs under Order 39 Rules 1 and 2 CPC read with Section 151 CPC for seeking temporary injunction was dismissed by the trial Court on 29.04.2022. The said order was confirmed by the First Appellate Court on 17.10.2022.

By way of this petition, the petitioners have sought to set aside the said orders. It is contended that two plaintiffs i.e. Gobind Rai and Bishan Dass along with defendant No.1 Swaranjit Singh are co-sharers in the total land measuring 102 kanals 5 marlas which is comprised in Rect. Nos.4, 7 and 8. Although, defendant No.1 has sold the land to respondents No.2 and 3 to the extent of 10 marlas each out of the land comprised in Rect. Nos.4 and Rect.7 vide sale deeds dated 16.07.2019 but taking benefit thereof, defendants No.2 and 3 are

raising construction on the land comprised in Rect. No.8.

Learned counsel further contends that plaintiffs have no objection if the construction is raised by the vendees – defendants No. 2 and 3 in the land comprised in Rect. Nos.4 and 7 which may of course be subject to the partition/ adjustment but grievance of the plaintiffs- appellants is that construction is being raised on the land comprised in Rect. No.8.

Heard learned counsel for the petitioner.

It is directed that in case construction being raised by respondents No.2 and 3 is found to be in the land comprised in Rect. No.8, that shall be liable to be demolished, impugned orders are set aside.

Revision is disposed of accordingly.

November 18, 2022

(DEEPAK GUPTA)

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JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No