

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

128

CR-6875 of 2018 (O&M)
Date of Decision:01.09.2023

Navdeep Singh and another

....Petitioners

Versus

Daljit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Sharma, Advocate,
for the petitioners.

Mr. Rakesh Gupta, Advocate,
for the respondents.

ANIL KSHETARPAL, J. (Oral)

CM-15344-2023 and CM-15727-2023

For the reasons stated in the applications, same are allowed, subject to
all just exceptions.

CR-6875 of 2018 (O&M)

1. The petitioners assail the correctness of concurrent orders passed by the Courts below while dismissing their application for grant of temporary injunction. It has been found by the Courts below that the defendants (respondents herein) pursuant to a decree for possession passed on 05.02.2014 were delivered possession of the suit land comprised in Rect. No. 47, Khasra No.17(8-0) through the executing Court. Thus, both the Courts have declined to grant injunction in favour of the plaintiffs (petitioners herein).

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

3. Learned counsel representing the petitioners vehemently contends that the previous suit was decreed to the extent of 1/4th share in the land comprised in Khewat No. 28 measuring 36 Kanal 9 Marla and 1/4th share in land comprised in Khewat No. 29 measuring 237 Kanal. He submits that the respondents have already sold the land more than 9 Kanal 5 Marla from Khewat No. 28 and have sold 58 Kanal 1 Marla in Khewat No. 29. He submits that the respondents are left with only 1 Kanal 4 Marla land comprised in Khewat No. 29. He further refers to the agreement to sell entered into by the respondents admitting that they are not in possession of the land comprised in Rect. No. 47 Khasra No. 17.

4. On the other hand, learned counsel representing the respondents while drawing the attention of the Court to the judgment and decree passed on 05.02.2014, application for execution of decree, warrants of possession and *Rapatroznamcha* (daily Diary Report) submits that the possession of land comprised in Rect No. 47 Khasra No.17 was delivered to the respondents and therefore the Courts have correctly refused to grant injunction.

5. This Court has considered the submission.

6. It will be noted here that in the *Rapatroznamcha* (daily Diary Report) entered by the Patwari, the petitioners' father has signed acknowledging delivery of possession of land comprised in Rect. No. 47 Khara No. 17. Moreover, the defendants (respondents herein) have been delivered possession pursuant to the decree passed by the Court. In such circumstances, this Court does not find appropriate to interfere with the concurrent orders passed by the Courts below

therefore, finding no merit, the same is dismissed.

6. As far as the argument of learned counsel representing the petitioners that the respondents have already sold more than their share in Khewat No. 28 is concerned, it will notice that the dispute in the present case is with regard to land comprised in Khewat No.29 and not 28. Moreover, it is the case of the respondents that apart from 1/4th share in Khewat No. 29 which they got pursuant to the decree they are also owner of other land in the same Khewat. In such circumstances, at this stage it would not be appropriate to finally opine on this aspect of the matter particularly when the parties are yet to lead evidence.

(ANIL KSHETARPAL)
JUDGE

September 01, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No