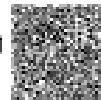


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

2024.PHHG:067851



CR-4724-2018

Date of decision: 15.05.2024

MAHABIR SINGH

..Petitioner

Versus

SATBIR SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Rishi Lal, Advocate
for Mr. Saurabh Dalal, Advocate
for respondent No.3 and 4.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has been filed to challenge the correctness of the concurrent orders passed by the trial Court, which in appeal has been affirmed by the First Appellate Court while refusing to grant injunction to the petitioner.

2. On 27.07.2018, the following order was passed:-

“The only submission made by the learned counsel is that in the absence of formal physical partition of undivided landed property, a cosharer cannot put a vendee in possession. Learned counsel contends that in the instant case, the formal physical partition of the joint property has not taken place and although the respondents/co-sharers have the right to transfer their undivided share but they cannot put the vendors i.e. respondent Nos.3 and 4 in actual physical possession and that too by dispossessing the petitioner. Learned counsel contends that the decision of the Courts below is in derogation of law laid down by Hon'ble the Supreme Court of India in Ram Dass Vs. Sita Bai and others, 2009 (3) SCC (Civil) 156.

Notice of motion for 25.09.2018.

Status quo be maintained, in the meantime.”

3. The interim order has continued to operate for nearly last six years. As per the learned counsel representing the petitioner, the main

suit is at the stage of plaintiff’s evidence, whereas, the learned counsel representing the respondents submits that the suit has already been decided.

4. Keeping in view the aforesaid facts, the revision petition is disposed of with the observation that if the suit is pending, the interim order dated 27.07.2018, shall continue to operate till the decision of the suit while requesting the trial Court to decide the suit expeditiously, however, if the suit has already been decided, the interim order will come to an end.

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

May 15th, 2024

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(ANIL KSHETARPAL)
JUDGE

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