



128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1849-2022(O&M)
Date of decision : 10.05.2024

Tarlok Ram Rattu @ Joga and another ...Petitioners

Vs.

Baldev Ram @ Gurdev Ram and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arun Takhi, Advocate
 for the petitioners.

 Mr. Saurav Bhatia, Advocate
 for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. Through this revision petition, the petitioners pray for setting aside the order dated 08.04.2022, passed by the First Appellate Court, which in turn has reversed the order of injunction granted by the trial Court. The petitioners' suit for partition of the joint property is pending. During the pendency of the suit a prayer was made to restrain the defendants from continuing with the construction. The trial Court granted injunction, however, the First Appellate Court has found that it will not be appropriate to stop the construction, however, the same shall be subject to the partition and the defendant will raise the construction at his own risk.
2. Learned counsel representing the respondent submits that the construction has already completed.
3. Learned counsel representing the petitioners submits that the First

Appellate Court has erred in setting aside the injunction granted by the trial Court.

4. This Court has considered the submissions and analyzed the arguments.
5. The construction, if any, on a portion of the joint property would result in value addition and not reduce the value of the property. In any case, it will not be appropriate to deny defendant No.1 to use the premises till the litigation comes to an end, particularly, when the First Appellate Court has already held that the construction, if any, shall be subject to the decision of the case.
6. With these observations, the revision petition stands disposed of.

10.05.2024
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No