

2024:PHHC:057382
**134 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2907-2022 (O&M)
Date of decision: 26.04.2024

Mahender Singh and another

...Petitioners

Versus

Ram Singh (deceased) through LRs and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ankit Bishnoi, Advocate for the petitioners

Mr.P.S.Jammu, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. The petitioners and the respondents are co-owners/co-sharers in the joint land. The petitioners filed a suit for the grant of decree of permanent injunction restraining the defendants from constructing house in the agricultural land. The trial court granted the injunction which has been vacated by the First Appellate Court.
2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
3. Learned counsel representing the petitioners contends that the nature of the suit land shall stand changed if the construction of the house is permitted. On a Court question, the learned counsel representing the petitioners admits that the joint land is more than 50 kanals and the construction of the house is only on an area less than 1 kanal.

4. Learned counsel representing the respondents submits that the construction has already been completed and the respondents are residing therein.

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

6. Hence, dismissed.

7. Needless to observe that if the petitioners file an application for partition of the land, the respondents shall not be entitled to claim any equity or compensation, if the disputed portion, on which the construction has been made, falls in the share of the petitioners.

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

26.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE