



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

CR-811-2025 (O&M)

Date of decision : 09.04.2025

Balkar Singh

...Petitioner

Vs.

Harpal Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. S.K. Chaudhary, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is defendant No.1 in a pending plaintiff's suit for grant of decree of permanent injunction restraining the defendants from raising construction on property marked by letters DEFG.

2. It is the case of the plaintiffs that there was a settlement between the parties on 06.06.2019 agreeing not to raise any construction until the suit property is partitioned.

3. Defendant No. 1 contested the suit claiming that he is in exclusive possession of portion marked with letters DEFG. He claimed that no partition has been effected between the plaintiffs and defendants. He further claimed that there was a settlement between the parties, however, it carries no value as khasra numbers have not been depicted in the settlement. An application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 was filed, which was allowed by the trial Court which in turn has been affirmed by the First



Appellate Court. Both the Courts have found that the parties are co-sharers, hence, defendant No.1 is required to be restrained from carrying on further construction. The First Appellate Court also found that construction has been raised during the pendency of the suit.

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

5. It is evident that both the Courts have not adverted to the alleged settlement dated 06.06.2019 arrived at between the parties, which is not disputed. In fact, while deciding a *prima facie* case, the Court was required to examine the aforesaid document, particularly, when it is admitted by both the parties.

6. Hence, the impugned orders passed by the Courts below are set aside. The trial Court is directed to decide the application for temporary injunction afresh after considering the agreement dated 06.06.2019 within a period of two months from today.

7. Till the application is decided, the parties are directed to maintain the *status quo* with regard to the possession.

8. The parties through their counsel are directed to appear before the trial Court on 30.04.2025.

9. With these observations, the revision petition is disposed of.

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

(ANIL KSHETARPAL)
JUDGE

09.04.2025

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