

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****126****CR-6185-2024 (O&M)****Reserved on : 08.07.2025****Pronounced on : 21.07.2025**

Sukhdev Singh @ Sukhwinder Singh

....Petitioner

VERSUS

Sardool Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. L.S. Sidhu, Advocate for the petitioner.

ALKA SARIN, J.

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 16.09.2024 passed by the First Appellate Court whereby the appeal filed by the petitioner against order dated 05.10.2023 passed by the Trial Court has been dismissed, as also for setting aside the order dated 05.10.2023 passed by the Trial Court vide which the application filed by the plaintiff-petitioner under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 has been dismissed.

2. The brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for permanent injunction to the effect that the defendant-respondents be restrained from raising construction on the land comprised in Khewat No.617/565, Khatauni No.1563, Khasra No.131//21 (7-2) situated in the area village Chohla Sahib (Urara), Tehsil and District Tarn Taran as per the Jamabandi for the year 2015-16. Alongwith the suit an application under Order XXXIX Rules 1 and 2 CPC was filed. The Trial

Court, after hearing the parties, vide order dated 05.10.2023 dismissed the application under Order XXXIX Rules 1 and 2 CPC. Aggrieved by the same an appeal was preferred by the plaintiff-petitioner which appeal was also dismissed by the First Appellate Court vide order dated 16.09.2024. Hence, the present revision petition.

3. Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner is in possession of the suit property and has also sowed his crop over the said suit property, hence the application under Order XXXIX Rules 1 and 2 CPC ought to have been allowed.

4. Heard.

5. In the present case both the Trial Court and the First Appellate Court held that the Jamabandi for the year 2015-16 revealed that the plaintiff-petitioner is only one of the co-sharers and was not shown as in exclusive possession of the suit property. It has also been noticed by the First Appellate Court that the plaintiff-petitioner had withdrawn the suit against defendant-respondent Nos.1 and 3, namely, Sardool Singh and Jagraj Singh. One of the contesting defendant-respondent No.4, namely, Gurlal Singh had claimed his physical possession over the suit property by way of construction carried out by him on the said land. In support of his stand, photocopies of electricity bills, sewerage and water bills had also been produced on the record. In the absence of the plaintiff-petitioner being able to show that he was in exclusive possession of the suit property, both the Courts have rightly declined to grant the interim injunction in his favour. The plaintiff-petitioner is merely a co-sharer. In any case as noticed above, Gurlal Singh (defendant-respondent No.4 herein) had produced on record photocopies of electricity bills, sewerage and water bills pertaining to the

suit property. In contrast, learned counsel for the plaintiff-petitioner has not been able to point to any document to show the exclusive possession of the plaintiff-petitioner over the suit property.

6. In view of the above, no fault can be found with the impugned orders passed by both the Courts. The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

7. It is made clear that any observations made herein shall not be treated as an expression of opinion on the merits of the case.

21.07.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO