

2025:PHHC:004406



[155] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-57-2025 (O&M)
Date of Decision : 14.01.2025

Prem Singh ...Petitioner

versus

Sonpal and othersRespondents

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Sanjay Verma, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

[1] Present revision petition is directed against order dated 13.12.2024 passed by learned Additional District Judge, Palwal, whereby, the learned Appellate Court ordered that neither party shall carry out any construction activity whatsoever in the suit land even though the learned Trial Court had declined *ad interim status quo* vide order dated 09.12.2024.

[2] Counsel for the petitioner submits that as per the averments made in the plaint itself, it is evident that all the parties are in exclusive possession of their respective shares. Once that being the position, suit for permanent injunction itself was not maintainable and the only remedy was to seek partition by metes and bounds. He further submits that in view of the fact that the parties were already before the revenue authorities seeking partition of the land, instant suit for permanent injunction was not maintainable.



[3] Counsel for the petitioner further submits that in terms of law laid down by the Division Bench of this Court in '**Bachan Singh versus Swaran Singh**', 2000(3) RCR (Civil) 70, raising of construction does not amount to alteration of the nature of the land and thus, co-sharer cannot seek injunction against other co-sharer, who is admittedly in exclusive possession of a particular piece of land for raising any construction.

[4] I have heard counsel for the petitioner and have carefully gone through the record of the case.

[5] In the considered opinion of this Court, learned Appellate Court should have been loathe in entertaining appeal at *ad interim* stage. Without further commenting on the merits of the impugned order, the present revision petition is ***disposed off*** with the directions to the learned Trial Court to decide the application under Order 39 Rules 1 & 2 CPC expeditiously without being prejudiced by the observations made by the learned Appellate Court and strictly in accordance with the settled propositions of the law.

[6] It is worth mentioning that the petitioner also has been casual in his approach. The petitioner has opted to run to this Court instead of filing written statement for bringing his stand on record and press for speedy disposal of application under Order 39 Rules 1 & 2 CPC.

[7] All pending miscellaneous application(s), if any, also stands *disposed off*.

14.01.2025

'R. Sharma'

(PANKAJ JAIN)
JUDGE

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