

Mohan Pal Vs. Mohan Pal

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Court : Punjab and Haryana

Decided On : Mar-31-2014

Appellant : Mohan Pal

Respondent : Mohan Pal

Judgement :

CR23412014 1 110 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Date of decision:31/03/2014.

Mohan PalPetitioner v.

Hardev SinghRespondents CORAM: HON'BLE MR.JUSTICE JASWANT SINGH Present:- Mr.Y.P.Singla,Advocate for the petitioner Jaswant Singh,J.(Oral) Plaintiff is in revision under Article 227 of the Constitution assailing the order dated 26.3.2012 (P-10) passed by the learned Additional Civil Judge (Senior Division) Derabassi dismissing his application for temporary injunction under Order 39 Rules 1 and 2 CPC; further challenge is to the order dated 28.1.2014 (P-11) passed by the learned Additional District Judge, Mohali whereby the appeal of the plaintiff/petitioner against order (P-10) has been dismissed.

From the paper book it is apparent that the plaintiff claims himself to be owner in possession of the suit property, having purchased the same on payment of entire consideration from one Sheela Devi and Har Kumar vide full payment Agreement to Sell dated 18.12.2003 and 29.4.2002 respectively.

Apprehending interference from defendants he claimed injunction.

On the other hand the defendant claims to be in possession on the basis of having inherited the suit land from one of his ancest ORS.He has produced on record Joshi Rajinder Prashad 2014.04.01 11:49 I attest to the accuracy of this Order.

High Court, Chandigarh.

CR23412014 2 110 electricity bills etc.to show that he has raised construction and is in possession of the suit property.

Learned counsel for the plaintiff/petitioner has argued that in the light of provisions of Section 53-A of the Transfer of Property Act, he is entitled to protect his possession.

Having heard learned counsel for the petitioner, it is apparent that the argument is totally misplaced.

Both the Courts below have noticed that the plaintiff has placed nothing on record to show that the alleged vendors of the petitioner i.e.Sheela Devi and Har Kumar were previous owners of the suit property.

Therefore, the agreement is totally misplaced.

This Court is in agreement with the concurrent observations recorded by both the Courts below that at this stage no injunction can be granted since the petitioner otherwise has failed to connect the area, dimensions and boundaries of the suit property with the said Agreements to Sell dated 18.12.2003 and 29.4.2002 and also that prima facie possession of the respondent is established.

In view of the above, no ground to interfere with the impugned orders in exercise of revisional jurisdiction of this Court under Article 227 of the Constitution is made out.

Dismissed.

31.03.2014 (Jaswant Singh) joshi Judge Joshi Rajinder Prashad 2014.04.01 11:49

I attest to the accuracy of this Order.

High Court, Chandigarh.

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