

Balbir Singh Vs. Baljit Singh.

Present: Sh. Amit Mandkan, Advocate, Counsel for plaintiff.

Suit received by entrusment. Report of Reader seen. It be registered.

Along-with the suit, there is an application under Order 39 Rules 1 and 2 read with Section 151 CPC for seeking grant of ad-interim injunction. In the present application the plaintiff has prayed for an interim injunction restraining the defendants from taking exclusive and for further restraining the defendants from alienating any specific area, portion, side of the suit land till its partition by meets and bound as fully mentioned in the headnote of the plaint. The plaintiff has placed on record copy of Jamabandi for the year 2018-19. However, at this stage there is no evidence which could show that the property qua which the plaintiff is seeking injunction belongs to the plaintiff alone. Furthermore, no stay lies against the co-sharer in the joint property. It is settled principle of law that no injunction can be granted against the co-sharer. The plaintiff is co-sharer of property in dispute. There is nothing on record at this stage which would entitle to the plaintiff to grant of relief of ad interim injunction. In such circumstances, the plaintiff could not show the prima facie case in his favour. Therefore, at this stage plaintiff could not establish his right to seek ad interim injunction in his favour. As such, there are no ground to grant ad interim stay at this stage. Let notice of the suit as well as stay application be issued to the defendants for **26.10.2021** on filing copy of plaint. RC and summons be also issued for date fixed to the defendants. Dasti summons be given, if required.

Date of order:06.10.2021.

(Ankita Gupta)
Civil Judge (Junior Division)
UID No.PB0524.
Kharar.

Kulwinder Singh.
Stenographer Gr.II.