

Dhani Ram vs. Kashmir Singh

CMPMO No. 782 of 2025

29.12.2025 Present:

Mr. Devender K. Sharma, Advocate, for the petitioner.

On taking steps within three days, issue notice to the respondent, returnable within four weeks.

CMP No. 32019 of 2025

Notice in the aforesaid terms.

From a perusal of the pleadings, specifically the written statement filed by the present petitioner/defendant, it is evident that the suit land in the case at hand stands divided by the late father of the parties. The division has taken place between the present petitioner/defendant, respondent/plaintiff and their two brothers, namely Hans Raj and Om Parkash. It has been categorically averred that all the three brothers, except Hans Raj, have raised construction on the land so allotted.

In view thereof, prima facie, once the respondent/plaintiff has raised construction on the suit land, he cannot restrain the other co-owner from raising construction on his specific portion of the suit property.

In view thereof, the operation and execution of the judgment passed in Civil Misc. Appeal No. 01 of 2025, titled "Kashmir Singh vs. Dhani Ram by the learned Additional District Judge, Sarkaghat, District Mandi, H.P., Camp at Joginder Nagar shall remain stayed till further orders.

(Bipin C. Negi)
Judge

29th December, 2025
Tarun