

CR-1903-2015 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-1903-2015 (O&M).
Decided on: March 18, 2015.**

Ranjit Singh

..... Petitioner(s)

Versus

Jagsir Sharma and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Naresh Kumar, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

The petitioner claims that he is a co-owner along with plaintiffs-respondents Jagsir Sharma and Pal Kaur respondent Nos.1 & 2 in land situated in District Moga and that partition proceedings are pending for separation of the shares. Respondent Nos.1 & 2, have filed suit for permanent injunction to restrain respondent Nos.3 & 4 Sukhdev Singh and Jagdev Singh by impleading them as defendants pleading that respondent Nos. 1 & 2 are in peaceful possession of 6 kanals 14 marlas of land mentioned in the heading of the plaint. The stand of defendant Nos.3 & 4 in their written statement is that the plaintiffs-respondent Nos. 1 & 2 are owners in possession of the suit property but the defendants are in possession of the adjoining land bearing khasra No.109//10 and that the plaintiffs-respondent Nos.1 & 2 want to take forcible possession of the said land in possession of defendant Nos.3 & 4.

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Counsel for the petitioner has submitted that suit has been filed by respondent Nos.1 & 2 against respondent Nos.3 & 4 in order to play fraud with the Court and to seek collusive decree and to create evidence of possession in order to defeat the rights of the petitioner who is co-sharer with the respondent Nos.1 & 2 in the land mentioned in the heading of the plaint which forms part of 11 kanals 6 marls of land.

Counsel for the petitioner has placed reliance on **Inder Singh and another Vs.Joga Singh and others, 2010 (5) RCR (Civil), 381**, wherein an application under Order 1 Rule 10 CPC of co-sharers was allowed for impleadment as necessary parties as in a suit instituted by co-sharers who had claimed exclusive possession of the suit property.

After hearing the counsel for the petitioner and going through the facts and circumstances of the case, I am of the considered opinion that the decree if any passed in favour of respondent Nos.1 & 2 and respondent Nos.3 & 4, will not, in any manner, prejudice the rights of the petitioner who is a co-sharer along with Jagsir Sharma and Pal Kaur respondent Nos.1 & 2 and has got litigation pending for partition of co-owned land.

Any observations regarding possession or any decree for injunction obtained by respondent Nos.1 & 2 against respondent Nos.3 & 4 will be a judgment in personam having absolutely no effect on the rights of the petitioner or any other co-

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sharers in the partition proceedings.

Dismissed.

March 18, 2015.
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(M.M.S. BEDI)
JUDGE