

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3202 of 2015.
Decided on:-13.5.2015.

Swarn Singh.

.....Petitioner.

Versus

Zora Singh and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Argued by:- Mr. S.K. Singla, Advocate
for the petitioner.

Dr. Bharat Bhushan Parsoon, J.

In a suit for permanent injunction preferred by the plaintiff-respondent herein, pursuant to an application under Order XXXIX Rules 1 and 2 read with Section 151 CPC, status-quo regarding possession was ordered to be maintained on 3.9.2012. Affirming the trial court judgment, the appeal preferred by the petitioner-defendant was also dismissed.

2. Against the concurrent findings of fact, the petitioner-defendant has preferred the present revision petition claiming that the petitioner-defendant is also a co-sharer and no injunction could have been granted in favour of the respondent against him.

3. Perusal of the paper book reveals that possession of the respondent-plaintiff on substantial portion of the suit land has concurrently been found by the lower court vide its order dated 3.9.2012 and the appellate

court vide its order dated 10.9.2014. It has already been noticed that respondent-plaintiff Zora Singh alongwith his brothers is in possession of 11 Kanals of suit land and partition of the joint Khewat has yet not been effected among the co-sharers.

4. It is an established proposition of law that a co-sharer in exclusive possession of his share out of the joint holdings is entitled to protect his possession and cannot be ousted by the other co-sharers.

5. When it is clear that the petitioner-defendant is making all efforts to oust the respondent-plaintiff from the land of his exclusive possession, he has right to protect the same against intrusion and transgression.

6. Counsel for the petitioner-defendant has not been able to show any factual or legal error in the impugned orders (Annexures P-4 and P-5) and affirming the same, this revision petition, being devoid of merit, is dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

May 13, 2015
'Yag Dutt'

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. Whether to be referred to the Reporters or not? Yes
3. Whether the judgment should be reported in the Digest? Yes