

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

RSA No.2234 of 2011 (O&M)

Date of decision : 06.02.2015

Gurmeet Kaur

...Appellant

Versus

Joginder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Amanpreet Kaur, Advocate for
Mr. H.N.S. Gill, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

This Regular Second Appeal is directed at the instance of the appellant-plaintiff against the judgment and decree of the trial Court dated 03.04.2007, whereby the suit of the appellant-plaintiff for seeking injunction against the co-sharer has been dismissed. The appeal filed against the judgment and decree of the trial Court by the appellant-plaintiff has also been dismissed.

Ms. Amanpreet Kaur, learned counsel for the appellant-plaintiff inter-alia contends that both the Courts below have committed illegality and perversity in dismissing the suit as there was umpteen number of documents on record to show that the appellant-plaintiff was in exclusive owner in possession of the property.

I am afraid the aforementioned arguments of the learned counsel for the appellant-plaintiff is devoid of merit.

As per the jamabandi and khasra girdawari, Ujagar Singh father of the respondent-defendant to be shown as owner in possession as co-

sharer. The appellant-plaintiff has set out the case that they had purchased the property, but in fact it is only the share and not a specific portion. The appellant-plaintiff has miserably failed to prove the exclusive possession of the property held by the co-sharer. It is a settled law that no injunction can be granted against co-sharer until and unless one of the co-sharer is found to be in exclusive possession. The remedy for the appellant-plaintiff was to seek the partition of the property.

Both the Courts below have not committed any illegality and perversity, much less, rendered finding after appreciating the evidence and law.

No substantial question of law arises for adjudication of the present appeal.

Accordingly, the present appeal is dismissed.

06.02.2015

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**(AMIT RAWAL)
JUDGE**