

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104

RSA No. 444 of 2011

Date of decision: 20.08.2015

Jangir Singh and another

...APPELLANTS

VS.

Malkiat Singh and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amarjit Markan, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Court of Additional Civil Judge (Senior Division), Malerkotla dated 24.10.2001, whereby the suit for permanent prohibitory injunction restraining the respondents-defendants from taking forcible possession and interfering in the enjoyment and peaceful possession of the plaintiffs over the house bearing No. 12, stands dismissed by observing that appellant No. 2-plaintiff No. 2 has a right qua 1/4th share in the house, which could not be defeated by the respondents-defendants and it would not be a bar on his right to get his 1/4th share through partition. The challenge is also to the judgment passed by the Additional District Judge, Sangrur dated 02.06.2010, vide which the appeal stands dismissed, where it was observed that defendants No. 1, 2 and 3 were co-owners and in joint possession of the

house in question. It has further been established that they had sold their 3/4th share in the suit property to defendant No. 4. The option of partition, in any case, has been kept open.

It is the contention of the counsel for the appellants-plaintiffs that the judgments passed by the Courts below cannot sustain as the possession of the house has been shown to be joint and, therefore, it cannot be said that the appellants are not entitled to the injunction, as claimed in the civil suit. He thus, contends that the present appeal may be allowed.

Having considered the submissions made by the counsel for the appellants, I am of the considered view that the judgments passed by the Courts below are in accordance with law and do not call for any interference as there is no substantial questions of law which arise for consideration of this Court.

The appeal is, therefore, dismissed.

August 20, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE