

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.2435 of 2012  
Date of decision: 24.09.2015

Sat Pal

... Appellant

Versus

Reshma Rani and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Manish Bansal, Advocate for the appellant.  
Mr. Manuj Nagrath, Advocate for  
Mr. Vivek Goyal, Advocate for respondent No.1.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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ARUN PALLI J. (Oral)

Suit filed by the plaintiff was dismissed by the trial court vide judgment and decree dated 26.11.2010. However, an appeal preferred against the said decree was accepted by the first appellate court and the suit was decreed vide judgment and decree dated 28.10.2011. That is how, defendant No.1 is before this court in this regular second appeal.

Concededly, the suit property is jointly owned by the parties and they are co-sharers. However, plaintiff was found to be in exclusive possession of the shop in question, measuring 14'x24'. That being so, even though plaintiff was a co-sharer, but being in exclusive possession of the joint

property was entitled to preserve her possession. And the only remedy available to the defendants was to seek partition and obtain possession in accordance with law.

Learned counsel for the appellant could not point out as to how the conclusion arrived at by the first appellate court in this regard was either contrary to the position on record or suffered from any material illegality. No other argument was advanced.

In the wake of the position, as set out above, there hardly exists any ground, least plausible in law, to interfere with the decree being assailed. No question of law, much less any substantial question of law, arises for consideration. Appeal being devoid of merit is accordingly dismissed.

September 24, 2015  
Rajan

( Arun Palli )  
Judge