

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 787 of 2011(O&M)
Date of decision :February 16, 2015

Gurcharan Singh and others

..... Appellants

Versus

Satwinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H. S. Batth, Advocate
for the appellants.

Mr. Jasdeep Singh Gill, Advocate
for respondent Nos. 1 to 9.

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?

Amit Rawal, J (oral).

This Regular Second Appeal at the instance of the appellants-defendants No. 5, 7 and 8 is directed against the judgment and decree of the trial court whereby the suit of the respondent-plaintiff for permanent injunction not to dispossess him as a co-sharer over the land measuring 15 Kanals 14 Marlas as mentioned in Khata, Khatoni No.6/15 and Khasra No. 30/22(8-0), 35/2/2(7-4) as per jamabandi for the year 1999-2000 of Village Doohal Khona Tehsil Patti District Amritsar and as well as the fact that the defendants have been restrained from dispossessing the plaintiffs from the suit land, has been decreed.

Mr. H. S. Batth, learned counsel appearing on

behalf of the appellants submits that both the courts have committed illegality and perversity in restraining the defendants from dispossessing the plaintiffs. The appellants have purchased the property from defendant Nos. 1 and 2 vide sale deed dated 3.7.2000 and therefore they are also co-sharers and the suit of the respondent-plaintiff seeking injunction was not maintainable.

Mr. J. S. Gill, learned counsel appearing on behalf of respondent Nos. 1 to 9 in support of his contention submits that the respondent-plaintiff along with co-sharers have been found to be in exclusive possession and therefore the courts below have rightly granted injunction in favour of respondent-plaintiff and against the appellants-defendants and thus remedy, if any, against the respondents fall within the parameters of judgment of Full Bench of this Court in **Bhartu Vs. Ramsaroop 1981 PLJ 204.**

I have heard learned counsel for the parties and is of the view that the present appeal is liable to be dismissed for the reason that the respondents-plaintiffs have been found to be in exclusive possession of their share and therefore the courts below have rightly enjoined the defendants from forcibly dispossessing the plaintiffs.

No doubt the status of the appellants-defendants after a purchase of land from the co-sharers is that of a co-sharer therefore, the remedy if any, for the appellants-defendants is to seek partition of the property and not by filing an appeal against the judgment and decree of the courts below.

Both the Courts below have rendered a finding of fact and law after appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgments and decrees of the courts below.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

February 16, 2015
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