

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3354 of 2012 (O&M)
Date of Decision.25.08.2015

Bis Ram

.....Appellant

Versus

Ranjit Singh and others

.....Respondents

Present: Mr. Atul Yadav, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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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K. KANNAN J. (ORAL)

1. A non-alienating co-owner sought for possession of the property held by the defendant claiming as purchaser from other co-owners. The defendant No.1 claimed that he had put up construction and the plaintiffs did not raise any objection. The trial Court had decreed the suit but in appeal filed by the purchaser-defendant, the Court had protected his possession but still allowed for the relief to the plaintiffs in the manner sought without in any way obstructing the defendant's possession. The Court did what it was competent to do, for, it was possible for non-alienating co-owner to seek for possession of the whole property leaving to the purchaser to file suit for partition. The contention of the counsel for the appellant that the plaintiffs must have sued for partition is erroneous, for, there is no legal compulsion for non-alienating co-owner to sue for partition. He has right to secure possession even whole of the property leaving it to the purchaser to

apply for partition. The Court has done more than what the defendant can bargain for in allowing for protection of the property which he has purchased. He cannot, therefore, feel himself aggrieved by the judgments of the Courts below.

2. I find no merit for intervention in the second appeal. The judgments passed by the Courts below are confirmed and the second appeal filed by the defendant is dismissed.

(K. KANNAN)
JUDGE

August 25, 2015
Pankaj*