

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

**RSA No. 4746 of 2012 (O&M)
Date of Decision : 17.08.2015.**

Harbans Lal

...Appellant

Versus

Bachan Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gaurav Tangri, Advocate for the appellant.

K. Kannan, J. (Oral)

CM No. 13212-C of 2012

For the reasons stated in the application, delay in re-filing the appeal is condoned.

Application stands disposed of.

RSA No. 4746 of 2012

In a suit brought for injunction against co-owners of property from selling specific items, the Court observed that the defence entered that parties were in enjoyment of specific items and the plaintiff himself has sold some properties to his own wife and son. It therefore reassured that the plaintiff cannot cause a restraint of the co-owners exercising similar rights. The cause for denial of the right was on proper ground and if the plaintiff is still aggrieved, it would be appropriate for him to file a suit for partition and bring into hotchpot all the transactions of sale including the sale by him and seek for re-allotment of the remaining extent of the property of what is

possible of being allotted for each person giving due allowance to the properties respectively sold by them.

The second appeal is dismissed but with the above observations.

August 17, 2015.
kanchan

(K. KANNAN)
JUDGE