

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

**RSA No.1231 of 2013 (O&M)
Date of Decision.10.09.2015**

Birbal	Versus	Appellant
Parhlad Singh and others		Respondents

Present: Mr. Raajan Soni, Advocate for
Mr. Ashish Verma, 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 co-owner cannot complain of a sale by yet another co-owner of having sold the property in excess of the entitlement unless the plaintiff's own holding is threatened by such a sale. His remedy could be either by means of action for injunction to protect his own possession which is exclusively enjoyed by him under an arrangement or at his option, he can seek for partition to ensure that the property held by him to the extent to which he is entitled to is retained. I will find no reason for interference with the judgment and the plaintiff may work out by means of a separate suit against the defendants and seek for allotment of the share which he claimed he is entitled to. If such a suit filed, the dismissal of the plaintiff's suit here will not come in the way unless there is any finding about the plaintiff's entitlement in the previous suit which has become final between the parties.

2. With this liberty, the second appeal is dismissed.

**(K. KANNAN)
JUDGE**

September 10, 2015