

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

RSA No. 3129 of 2014 (O&M)

Date of decision: 30.10.2015

Bharpur Singh and others

... Appellants

versus

Amar Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Sukhdeep Parmar, Advocate for the Appellants

K.Kannan, J.

The suit for injunction filed by the plaintiff against the defendant was resisted by the defendant on the ground that they are joint owners of the property and therefore the relief of injunction could not be sustained. The defence prevailed and the suit was dismissed. The appeal was also dismissed.

The property held in joint ownership must be understood as the property in respect of which the defendant is entitled to treat himself as having just not interest but also the joint possession with the plaintiff. Unless there was a case of arrangement made providing for exclusive possession only for the plaintiff and the defendant had been making some attempt to breach such an arrangement, the plaintiffs as co-owners could have maintained the relief of injunction.

There was no such case for the plaintiff and the two Courts below have addressed the issue of law correctly and denied the plaintiff the benefit of the decree for injunction. There is no need for intervention.

The appeal is dismissed with above observations.

(K.KANNAN)
JUDGE

30.10.2015

kv