

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

RSA No. 6112 of 2014 (O&M)
Date of decision: August 31, 2015

Harjinder Singh

...Appellant

Versus

Chandni Devi and another

...Respondents

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?**

Present: Mr. Pankaj Bali, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

CM No. 14540 C of 2014

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

Main case

1. A purchaser from a co-owner of undivided share but with reference to specific boundaries sought for recovery of possession and for mandatory injunction for removal of construction made by a purchaser on one marla land from yet another co-owner. The courts found that mere reference to specific boundaries cannot help and if he was only a strange purchaser from a co-owner, action for injunction for removal cannot lie. Both the courts have stated the correct position of law and the only remedy for the plaintiff was to file a suit for general partition, amongst the vendor and undivided brothers and seek for equitable allotment to the extent

feasible of the property claimed by him to have been purchased to the share of his vendor. The second appeal would require no consideration than the statement of law made above and the judgments are supported to that extent with liberty and in the manner provided above.

2. The second appeal is dismissed.

August 31, 2015
prem

(K.KANNAN)
JUDGE