

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2347 of 2016
Date of decision : May 13, 2016

Murari Lal

..... Appellant

Versus

Chameli Devi (deceased) through L.Rs and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Chanderhas Yadav, Advocate
for the appellant.

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?

Amit Rawal, J (oral).

The appellant is aggrieved of the dismissal of the suit seeking permanent injunction and mandatory injunction being a co-sharer in the suit property. It is a matter of record that the partition proceedings are pending and the Additional District Judge has issued direction to the Assistant Collector Ist Grade, Rewari to decide the same within a period of six months.

The argument that the injunction sought against the persons were not in possession earlier but now they have stepped into the shoes of the co-sharers and they are not party in the partition proceedings. He further submits that appellant be granted opportunity to file appropriate application seeking amendment and also interim prayer.

I have heard learned counsel for the appellant and appraised the paper book.

It is settled law that no injunction can be granted against a co-sharer as none of the co-sharer is found to be in exclusive possession which falls within the parameters of judgment rendered by Full Bench of this Court in **Bhartu Vs. Ramsaroop 1981 PLJ 204** and reiterated by Division Bench of this Court in **Bachan Singh Vs. Swaran Singh 2000 (3) RCR (Civil) 70.**

In view of the aforementioned position of fact and law, I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below. The direction of lower appellate court is perfect, just as per facts noticed above.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

May 13 , 2016
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