

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

CR No.6613 of 2017 (O&M)
Date of decision : 03.10.2017

Jaspal Singh

...Petitioner

Versus

Balwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff is in revision petition against the order passed by the trial Court dismissing the application filed under Order 39 Rules 1 and 2 CPC which has been affirmed in appeal by the First Appellate Court.

It is not in dispute that the parties are co-owners/co-sharers in the property. In the plaint, it is only alleged that the defendants are trying to carved out a private passage and brick line the same.

In my considered opinion, such action would neither diminish the value of the property nor would amount to construction. Once the parties are co-owners, the appropriate remedy for them is to seek the partition of the property.

In view of the above, the present revision petition is dismissed.

03.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No