

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

203

**RSA No.1713 of 2011 (O&M)
Date of decision: 25.10.2017**

Ashok Kumar

..... Appellant

Versus

Sarita Sharma and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Chauhan, Advocate
for the appellant.

Mr. K.S. Cheema, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the judgment passed by learned Additional District Judge, Hoshiarpur.

Learned counsel for the parties admit before me that both the parties are co-owners/co-sharers in one Khewat. Learned First Appellate Court has held that in such situation suit for injunction is not maintainable and the parties should resort to partition of the property to resolve their dispute. This Court does not find any error in the approach of the learned First Appellate Court.

Taking into consideration of the aforesaid fact, no ground is made out to interfere with the judgment passed by the First Appellate Court.

Appeal is dismissed.

**(ANIL KSHETARPAL)
JUDGE**

25.10.2017
Dinesh Bansal

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No