

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

RSA No. 1970 of 2015

Date of Decision: 13.11.2017

GURDIAL SINGH AND ORS

-APPELLANTS

VS

BALWANT SINGH

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Bhavesh Aggarwal, Advocate, for
Mr. Ashish Aggarwal, Advocate,
for the appellants.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Defendants are in second appeal in a suit for permanent injunction filed by the plaintiff which was decreed by the trial Court and the judgment and decree of the trial Court was upheld by the lower Appellate Court.

[2]. The plaintiff was found to be in exclusive possession on the basis of jamabandi for the year 2002-03 (Ex.P1), Khasra Girdawaries from Kharif 2008 to Hari 2009 (Ex.P2) and jamabandi for the year 2012-13 (Ex.P3).

[3]. The plaintiff and defendants were found to be co-sharers but the plaintiff was found to be in exclusive possession of the suit property.

[4]. The Civil Court decree dated 11.05.2012 was held to

be not sufficient to create any impediment in the exclusive possession of the plaintiff over the suit property on the basis of co-sharership that a co-sharer in exclusive possession can inject other co-sharers till the land is partitioned by metes and bounds. It was considered by the Courts below concurrently to hold that plaintiff is entitled to permanent injunction thereby restraining the defendants from interfering in exclusive possession of the plaintiff till the land is partitioned in accordance with law.

[5]. The findings recorded by the Courts below cannot be faulted with nor any question of law worth cognizance is involved in the present appeal.

[6]. This appeal is found to be totally devoid of merits and the same is, accordingly, dismissed.

13.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No