

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

RSA No.3295 of 2015 (O&M)

Date of Decision: 8.8.2017

Hari Ram

... Appellant

Versus

Jagdish Parshad and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Shashikant Gupta, Advocate for the appellant

RAJIV NARAIN RAINA, J. (Oral)

1. This regular second appeal has been filed against the concurrent findings of fact recorded by the trial court with the first appellate court decreeing the suit in favour of the plaintiff, respondent no.1 thereby restraining defendants no.3 to 12 from interfering in the possession, use and cultivation of the suit land, except in due course of law. Both the courts below have rightly observed that the only remedy with defendants no.3 to 12 is to seek partition of the suit property and to ask for apportionment of their share in the suit property. It is always open to the appellant/defendant to sue for partition of the suit property.

2. I find no ground to interfere with the findings of fact recorded by the courts below. The judgments and decrees in appeal do not suffer from any illegality, irregularity or perversity nor the same can be said to be tainted with any error apparent on the face of record so as to require interference by this Court in this appeal. No question of law, much less a substantial one, arises for consideration in this appeal.

3. For the foregoing reasons, this appeal is held to be without substance and is dismissed. However, the appellant is at liberty to sue for partition of the suit property, if so advised.

8.8.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No