

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4174 of 2015 (O&M)

Date of Decision : 23.08.2017

Chhinderpal Kaur and others

..... Appellants

Versus

Gurmeet Kaur

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.K. Manchanda, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment of the lower Appellate Court reversing that of the trial Court and thereby dismissing the suit of the appellants for injunction restraining the respondent from interfering in her possession.

It is not disputed that the parties are co-sharers in the land in dispute. The case of the appellants was that the respondent had purchased land measuring 32 kanals from Chamkaur Singh-co-sharer but she was trying to take over the possession of land which was actually under the possession of the appellants. The trial Court held that this property was not partitioned and Chamkaur Singh could not have given possession of any specific portion of land and decreed the suit. However, the lower Appellate

the land was shown to be joint yet there was ample evidence to show that the co-sharers were in possession of their respective share. The lower Appellate Court noticed that a perusal of the khasra girdawaries for the years 2007-2010 showed that after every transaction of sale the vendee was put into possession of those specific khasra numbers which were earlier in the possession of their respective vendors. The lower Appellate Court also noticed that PW-2 Niranjana Singh had accepted that at the time of the sale in favour of the respondent, Chamkaur Singh had handed over the possession of 32 kanals of land to her. The lower Appellate Court also noticed that a suggestion was given to the defendant's witness Mohinder Singh by the appellants to the effect that it was correct that in the land in dispute all the co-sharers were sitting in possession of their respective shares. It was on this basis that the lower Appellate Court held that the revenue record and the oral evidence clearly proved that the respondent was in possession of 32 kanals of land which was sold to her by Chamkaur Singh and consequently allowed the appeal.

Counsel for the appellants has not been able to show me how the findings of the lower Appellate Court are wrong.

Consequently, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

August 23, 2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No