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

**RSA No. 1758 of 2017 (O&M)
Decided on: 16.08.2017**

Amrinder Pal Bhan **Appellant**

versus

Amarjit Singh **Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Balram Singh, Advocate,
for the appellant.

Rajbir Sehrawat, J.(Oral)

This is an appeal filed by the plaintiff against the concurrent findings recorded by the Courts below.

The plaintiff had filed a suit for possession qua the land comprising in Khasra Nos. 161//13/1(2-13) comprised in Khewat/Khatoni No. 512/790 situated at Samana Tehsil, Samana, District Patiala. It is the case of the plaintiff that he is a co-sharer in the property by purchase. He purchased the property comprised in this Khewat but in specific Kharsra nos. i.e. Khasra Nos. 144//16, 144//25/1. Although, he did not purchase khasra no. 161//13/1, however, his claim for seeking possession over this khasra no. is on the ground that he is co-sharer with the defendant but the defendant is enjoying more share than he is entitled in the joint property.

Both the Courts below held that the plaintiff is not entitled to the possession of the property since he is not purchaser of the

property involved in the suit.

I have heard the learned counsel for the appellant.

Merely because the plaintiff/appellant had purchased some other khasra no. in the khewat and he is in possession of those khasra nos. which he has purchased, does not give him any right to claim possession over some other khasra nos. in that khewat which are in the possession of the other co-sharer, i.e., the defendant. If it is the grievance of the appellant that the defendant is in possession of the land more than his share then the remedy with the appellant is to file a suit for partition where the shares and entitlement would be determined and the possession of the parties would be limited to their entitlement. However, in the present suit, the plaintiff could not have claimed exclusive possession against another co-sharer.

In view of the above, there is no infirmity in the findings recorded by the Courts below.

No other argument was raised.

In view of the above situation, the present appeal fails and the same is dismissed.

16th August, 2017
shabha

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned	-	Yes
Whether reportable	-	No