

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

RSA No.589 of 2017 (O&M)

Date of decision : 24.10.2017

Teja Singh and another

...Appellants

Versus

Dharambir

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jaiswal, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendants are in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

It is not in dispute that the defendants are subsequent purchasers from a co-owner. The defendants had purchased 1/6th share out of joint khewat of land measuring 171 kanals 10 marlas. In fact, the defendants had purchased land measuring 36 kanals 16 marlas, out of which 28 kanals 12 marlas was in khewat No.39 and remaining land is in separate khewat.

The plaintiff who is also a co-owner in the khewat had filed a suit for injunction with respect to the land comprised in Rectangle No.20, Khasra No.19.

Both the Courts below after appreciating the evidence available on the file have recorded a finding of fact that the plaintiff is in possession

of land and the parties are co-owners.

In the considered opinion of this Court, the remedy for the defendants-appellants is to seek partition. Even if a co-owner has purchased specific portion described by specific khasra number in a joint khewat, the purchaser would still become a co-owner.

In these circumstances, the remedy for resolving the dispute is to seek partition.

Taking into consideration the aforesaid facts, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

24.10.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No