

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

RSA No.921 of 2017 (O & M)

Date of decision :27.07.2017

Harjinder Singh

...Appellant

Versus

Nazar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Jain, Advocate for the appellant.

ANIL KSHETARPAL, J. (Oral)

Plaintiff is in Regular Second Appeal against the judgments passed by the Courts below.

Plaintiffs had filed a suit for grant of permanent injunction restraining the defendants from interfering in their possession. Plaintiffs claimed themselves to be co-owner in the land in dispute. Plaintiffs claimed that they had constructed two shops over the disputed property. Defendant Nos.1 to 3 claimed that they are co-sharer/co-owner with the plaintiffs as they had purchased the land through various sale deeds.

Both the Courts below have found that the parties to the litigation are co-owners in the disputed land.

Learned trial Court had granted partial relief to the plaintiffs restraining the defendants from dispossessing the plaintiffs illegally and forcibly from two shops built in Khasra No.1792/1.

First appeal filed by the plaintiffs was dismissed, however, the relief granted by trial court was maintained.

Plaintiff has filed this appeal challenging the finding of the Courts. Counsel for the appellant has submitted that defendants had in fact

further submitted by learned counsel for the appellant that since plaintiffs are in exclusive possession of the suit property, therefore, their possession should be protected.

I have considered the submissions, however, I am unable to agree with the submissions made.

In a joint khewat if a co-sharer purchases a specific portion, still such purchaser would be a co-sharer and he would not become owner of that portion or specific plot. The concept of co-ownership is based upon the principle that every co-sharer is owner as well as in possession of every inch of land. Merely because defendants had purchased a specified plot/portion, they would not have become exclusive owners.

For a reasons recorded above, I do not find any reason to interfere with the concurrent findings of fact recorded by the Courts below. Counsel for the appellant has not been able to point out any substantial question of law in terms of Section 100 CPC. Counsel for the appellant has further not been able to make out any case for interference in accordance with provisions of Section 41 of the Punjab Courts Act, 1918.

Appeal dismissed.

27-07-2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking / reasoned : Yes

Whether Reportable : Yes