

282

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

CR No. 1315 of 2018

Date of Decision: 18.07.2018

Balbir Singh

....Petitioner

Vs

Bir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tribhuvan Dahiya, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner has assailed the order dated 28.11.2017 passed by Civil Judge (Junior Division), Rewari as well as order dated 22.01.2018 passed by Additional District Judge, Rewari whereby prayer for *ad interim* injunction in terms of Order 39 Rules 1 and 2 read with Section 151 CPC was declined to the petitioner.

2. Admittedly, petitioner is a co-sharer along with his brother Bir Singh and nephews. In the suit for permanent injunction, plaintiff-petitioner sought injunction against other co-sharer in respect of gadda khad comprised in Khasra No.17//16/7.

3. Earlier as per jamabandi for the year 2013-14,

aforesaid Khasra number was shown to be Gair Mumkin Rasta in possession of *Makbuja Malkan*. Thereafter, vide *fard badar*, the aforesaid entry was corrected and the land in question was corrected as Gair Mumkin Manure Pit.

4. Fact remains that all the co-sharers are shown to be in joint possession of aforesaid Gair Manure Pit.

5. It is settled principle of law that all the co-sharers would be deemed to be in possession over every inch of joint land till the same is partitioned by metes and bounds.

6. The law laid down in **Sant Ram Nagina Ram vs Dev Ram Nagina Ram, 1961 PLJ 528**, **Bhartu vs Ram Swaroop 1981 PLJ 203** and **Ram Chander vs Bhim Singh 2008(3) RCR (Civil) 685** can be relied to hold that a co-sharer can injunct other co-sharer if he is found to be in exclusive possession of the joint land to the ouster of all other co-sharers.

7. No such position exists in the present case.

8. The impugned order passed by both the Courts below cannot be faulted with.

9. This revision petition is accordingly, dismissed.

18.07.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No