

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 7933 of 2017
Date of decision : February 09, 2018

Sukhdev Singh

....Petitioner

versus

Gurdeep Singh and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Arun Abrol, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

Heard learned counsel for the petitioner and perused the records.

Admittedly as there is in the pleadings and abundantly reflected in the impugned findings dated 5.8.2017 of the learned Civil Judge (Junior Division), Gurdaspur, the property in question regarding which the plaintiff has filed suit for permanent injunction is a joint co-sharer property and the plaintiff claims that he was in cultivating possession as owner over 1 kanal 9½ marlas out of 2 kanals 19 marlas of the land. In the light of the well settled proposition of law in **Bhartu vs Ram Sarup, 1981 PLJ 204**, since every co-sharer is owner in possession of every inch of land unless acquiescenced and otherwise have been ousted over along continuous period of time. Thus the question seeking decree for permanent injunction

or possession certainly appears to be elusive and such a relief is highly untenable. The learned court below has returned categorical findings that it is the own admission in the cross-examination of PW1 and PW2 that Major Parminder Singh and Tripat Singh were in possession of the land in question. There is no evidence to show that the petitioner was dispossessed within six months of the institution of the suit. The hurdle in question is well reasoned and the findings on the issues are fully in consonance with the evidence on record and does not call for interference by this Court. The present revision petition is meritless and is dismissed in limine.

February 09, 2018

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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No