

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

**RSA No.1338 of 2001
Date of Decision:08.01.2018**

Ram Saran

...Appellant

Versus

Dhara Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.C.B.Goel, Advocate for the appellants.
Mr.S.S.Mor, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the courts below.

By a judgment passed on even date in a connected case bearing RSA No.1339 of 2001, whereby plaintiff-appellant, who is also plaintiff-appellant in this case, has been held not entitled to any declaration.

In this case, the plaintiff has prayed for a decree for permanent injunction, restraining the defendants from alienating any specific killa numbers more than their share owned by the defendants.

In the considered opinion of this Court, such suit is not maintainable. A co-sharer/co-owner is entitled to deal with his share including sale in any manner he likes. Even if a co-owner sells the property by mentioning a specific khasra number or by any other such specification, such sale would be deemed to be a sale of share in the property.

Second prayer in the suit is that a co-owner should be restrained from alienating more than their share. However, the plaintiff has failed to prove that the defendants have taken any step to sell more than their share. Still further in any case, any sale by a co-owner more than his share would not adversely affect the rights of other co-owner who is not executant of the sale-deed.

In view of the above, there is no good ground to interfere with the impugned judgments passed by the courts below.

Dismissed.

08.01.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No