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

RSA No.1135 of 2010 (O&M)
Date of Decision : 25.10.2018

Raghbir Singh and others

..... Appellants

versus

Jaspal Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

****

Present : Mr. Sudhir Pruthi, Advocate
for the appellants.

None for the respondents.

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AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellants.

The appellants had filed a suit seeking to restrain their co-sharers for making any construction over the land. The suit having been dismissed by both the Courts the present appeal has been filed.

The only argument raised by the learned counsel is that respondents could not raise construction before partition.

I find this argument to be misconceived. Any construction which a co-sharer makes is always subject to partition. There is no bar to the appellants to file application for partition.

Counsel has not been able to show how these findings are so perverse or based on no evidence so as to render them liable for interference in second appeal.

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Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.10.2018
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Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No

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