

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

RSA No.2249 of 2013 (O&M)

Date of decision: 27.07.2018

Manjri Sharma

..... Appellant

Versus

Kamla Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Alok Jain, Advocate
for the appellant.

Mr. Jatin Hans, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

CM-6141-C-2013

Application is allowed and the delay is condoned.

Main Case

Plaintiff-appellant is in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing the suit for permanent injunction restraining the defendants from interfering in her possession.

It is not in dispute that the plaintiff as well as defendants both have purchased undivided share in the joint khata. The plaintiff claims that she has constructed a boundary wall around her plot. Along with the plaint, she has annexed a lay out plan which is Ex.P-1. As per the aforesaid lay out plan, on Southern side of the plot, there is a house of Ajad Singh.

When the Local Commissioner visited the spot after being

appointed by the Court, his lay out plan is Ex.P-4 wherein house of Azad Singh has been depicted towards South. Still further, on purchase of undivided share, the parties became co-sharer. In such circumstances, the only remedy for the appellant is to seek partition.

In view of the aforesaid evidence, the Courts have rightly refused to record any finding with regard to possession and grant injunction to the plaintiff.

Appeal is dismissed.

27.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No