

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

RSA No.2164 of 2016 (O&M)

Date of decision:12.11.2018

Rachpal

... Appellant

Vs.

Jarnail Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Maninder Arora, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Appellant-plaintiff has not been successful in seeking injunction despite the fact that he had been a co-sharer to the extent of 33/728th in respect of land measuring 9 kanals 2 marlas in khasra no.452. The Courts below declined to grant the injunction.

The appeal is also accompanied by an application seeking condonation of delay of 203 days in filing the appeal.

The argument that plaintiff had been in exclusive possession has not been established by any documentary evidence. The law of injunction amongst the co-sharers is no longer *res integra*, until and unless, exclusive possession of the plaintiff is not proved, the same cannot be granted. The remedy, otherwise was to seek partition. This is what the import of the judgments and decrees of the Courts below.

In view of what has been observed above, I do not find any illegality and perversity in the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

The appeal is dismissed on the ground of delay as well as on merits.

(AMIT RAWAL)
JUDGE

November 12, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No