

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

RSA No.277 of 2016(O&M)
Date of decision: 11.05.2018

Balvir Singh

... Appellant

Versus

Gurdip Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ish Puneet Singh, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Suit filed by the plaintiff was dismissed by the trial Court, vide judgment and decree dated 13.11.2013. As even the appeal preferred against the said decree failed and was dismissed vide order and judgment dated 06.07.2015, the plaintiff is in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

The plaintiff prayed for a decree for permanent injunction restraining the defendants from alienating, transferring or otherwise creating charge over the suit property till final partition of the suit land.

On a consideration of the matter in issue, and the evidence on record, both the Courts concurrently concluded that concededly the suit property was joint between the parties, and they were co-sharers to the extent of their respective shares. Nothing was brought on record by the plaintiff to show that he indeed was in exclusive possession of the suit land or any portion thereof. And, therefore, no injunction could be

granted against the co-sharers. Even otherwise, the plaintiff, in proportion to his share, was owner to the extent of only 1 marla in the joint khata. Concededly, partition proceedings were pending before the Revenue authorities. In so far as the injunction qua changing the nature of the suit land, suffice it to say that there was merely a bald assertion in the plaint in this regard and no positive evidence was brought on record to show as to why and in what manner nature of the suit property was being altered. On being pointedly asked, learned counsel for the appellant could not refer to anything on record as to how the conclusion recorded by both the Courts was either contrary to the record or suffered from any material illegality.

No question of law, much less any substantial question of law, arises for consideration. The appeal being devoid of merit is accordingly dismissed.

(Arun Palli)
Judge

11.05.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO