

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

RSA No.3164 of 2016 (O&M)

Date of Order: 22.11.2018

M/s CAPSUGEL Health Care Pvt Ltd

....Appellant

Versus

Harish and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Varun Sharma, Advocate for the appellant.

AMIT RAWAL, J (ORAL)

CM No.8479-C of 2016

For the reasons stated in the application, which is supported by an affidavit, the same is allowed. Delay of 9 days in filing the appeal is condoned.

RSA No.3164 of 2016

Appellant-defendant No.5 is aggrieved of the judgment and decree dated 12.10.2015 passed by learned Addl. District Judge, Rewari whereby the judgment and decree passed by the learned trial Court dismissing the suit of the plaintiff, has been set aside.

The short point involved in the present case is whether the status of the appellant-defendant No.5, who had purchased the land during the pendency of the suit having been put into specific portion of the possession would be of a co-sharer and injunction granted to the plaintiff finding the possession to be exclusive is sustainable or not. Jamabandi

(Ex.P.8) reflects that the common ancestor Balbir Singh was shown to be in

exclusive possession since 1999-2000, thus in such circumstances, vide Ex.P.7 during the course of arguments in the suit filed by the plaintiff against Mahipal, in which present respondent-plaintiff was arrayed as defendant No.5 had made a joint statement regarding no objection qua sale of agricultural land to defendant No.1 from whom other defendants had derived the interest to sell the specific portion.

While finding exclusive possession of the plaintiff, learned lower Appellate Court has rightly granted the injunction. Remedy for the co-sharers would be to seek partition for determination of share and consequential possession.

I do not find any perversity or irregularity in the impugned judgment and decree passed by lower Appellate Court.

Dismissed.

November 22, 2018
manoj

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No