

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

**106**

**CM-10439-C-2016 in/and  
RSA-4051-2016  
Date of Decision : 03.10.2018**

Harpal Singh ..... Appellant

Versus

Chhinderpal Kaur ..... Respondent

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Aakash Singla, Advocate  
for Mr. Ravish Bansal, Advocate  
for the applicant-appellant.

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**AJAY TEWARI, J. (Oral)**

**CM-10439-C-2016**

For the reasons recorded, the application is allowed. Delay of 58 days in refiling the appeal is condoned.

**RSA-4051-2016**

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for permanent injunction filed by the appellant.

The case of the appellant was that he was in exclusive possession of a piece of land measuring 6 marlas out of a total land measuring 56 marlas. His case was that he had purchased this land from a previous co-sharer Jai Kaur and he consequently sought an injunction restraining the respondent from interfering in his possession.

The case of the respondent on the other hand was that actually the property was joint between the appellant and his three brothers and she was the widow of one of those brothers.

The appellant did not prove the sale deed because only a photocopy was placed on record. The courts below held that firstly the boundaries of those particular 6 marla of land was not mentioned in the plaint. Secondly, the parties were co-sharers and consequently the appellant could not seek an injunction. Thirdly, the appellant had even failed to prove the sale deed in his favour. Hence, the present appeal.

Counsel for the appellant has argued that the boundaries of the plot of those 6 marlas were mentioned in the sale deed. This argument cannot be accepted because the sale deed was not proved on record.

Counsel for the appellant has further argued that the respondent was nowhere shown as co-sharer in the jamabandi. This argument also cannot be accepted because the respondent averred in the replication that she had become a co-sharer after the death of her husband.

Counsel for the appellant has further argued that it was only by inadvertence that a photocopy of the original sale deed was placed on record and the application was filed under Order 41 Rule 27 CPC to place on record the certified copy of the sale deed which was illegally dismissed by the lower appellate court. In my opinion, the dismissal of the said application was also legal since the appellant had not been able to meet the parameters of Order 41 Rule 27 CPC.

No other arguments have been raised. Appeal is dismissed.

No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

October 03, 2018  
*ashish*

( AJAY TEWARI )  
JUDGE

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