

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

RSA No.4246 of 2016 (O&M)
Date of Decision.13.11.2018

Kuldeep Singh

.....Appellant

Vs

Sukhdev Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Satbir Gill, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-defendant No.2 has not been successful in defending the suit for injunction and decreed in favour of the plaintiff being co-sharer in respect of the suit property as both the parties alleged to be co-owners by virtue of two sale deeds dated 04.07.2003 and 11.06.2003.

The genesis of the judgment has been on the parameters laid down in Full Bench judgment of this Court in **Bhartu Vs. Ram Sarup 1981 PLJ 204** and Division Bench judgment in **Bachan Singh Vs. Swaran Singh 2000(3) RCR (Civil) 70**, where the plaintiff has been found in exclusive possession. In such circumstances, the defendants cannot have any grouse as the remedy lies elsewhere i.e. to seek partition to claim separate possession if they do not want to keep the joint possession. The parameters laid down in aforementioned judgments still hold field and therefore, judgments and decrees rendered by both Courts below are in conformation with the settled law.

In view of the aforementioned, no fault can be found

with the concurrent finding of fact which is based upon correct appreciation of fact and law, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed on the ground of delay as well as on merit.

(AMIT RAWAL)
JUDGE

November 13, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No