

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

109

RSA No.5164 of 2015 (O&M)

Date of decision: 15.01.2018

Lachhman Singh

..... Appellant

Versus

Bagicha Singh and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. K.B. Raheja, Advocate  
for the appellant.

Mr. N.S. Sodhi, Advocate  
for respondent No.1.

\*\*\*\*\*

**ANIL KSHETARPAL, J. (ORAL)**

Plaintiff No.3-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below while dismissing his suit for permanent injunction.

Both the Courts have found that the parties are co-owners/co-sharers in the suit property. On appreciation of evidence, the Courts have recorded a concurrent finding that the plaintiffs have failed to prove their exclusive possession.

Learned counsel for the appellant has vehemently relied upon the cross-examination of Bagicha Singh, DW-1 wherein in one line, Bagicha Singh has admitted that the plaintiffs are in possession of land measuring 11 acres. However, in the considered opinion of this Court, such one line in the cross-examination cannot be read in isolation from the complete statement. Every co-sharer is deemed to be in possession of every

part of the land. Remedy for the co-sharers is to seek the partition. Both the Courts have examined this issue and has held that the parties being co-sharers can seek partition of the land.

In view thereof, there is no scope for interference with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

**15.01.2018**  
Dinesh Bansal

**( ANIL KSHETARPAL )**  
**JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No