

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

RSA No.6820 of 2016
Date of Decision.10.05.2018

Ramesh Chand

...Appellant

Vs

Mukhtiari Devi and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J.(ORAL)

The appellant-plaintiff is aggrieved of the dismissal of the suit whereby the suit for permanent injunction restraining the defendants from interfering into peaceful possession of the plaintiff has been dismissed by both the Courts below.

Concededly, in the plaint the plaintiff has admitted that he had been in joint possession with the other party. It is settled law in view of 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** that no co-sharer can seek injunction except in exclusive possession. Once the appellant-plaintiff has admitted that he is in joint possession, rightly the relief of injunction has been declined by giving liberty to the party to seek partition.

In view of the aforementioned, I am in agreement with the finding rendered by both the Courts below. I do not find any illegality and perversity, much less, no substantial question of law

arises for determination by this Court. No ground for interference is made out. The appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 10, 2018
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No