

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

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**RSA-8-2016 (O&M)
Date of Decision : 6.8.2018**

Lt. Col. Bhagwan Singh

..... Appellant

Versus

Ajit Singh Pahwa

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Vikas Singh, Advocate
for the appellant(s).

AJAY TEWARI, J. (Oral)

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

The Admitted facts are that appellant and the respondent are purchasers from the same vendor. It is also admitted that both have purchased a certain share of a land in dispute. It is also admitted that the sale deed of the respondent/her principal was prior to that of the appellant. It was in these circumstances that the appellant filed the instant suit claiming that he was in exclusive possessions of 22 Kanals and ½ Marlas, while the case of the respondent was that she was in possession of 15 Marlas out of that land.

Both the Courts have held that neither the sale deed in favour of the appellant nor that in favour of the respondent reflected any specific portion or any specific boundaries or any specific number of the land/s which were purchased by both of them. Both the Courts below

concurrently came to the conclusion that in these circumstances both the parties could at best beheld the co-sharers and none could claim exclusive possession without partition.

Consequently both the Courts below dismissed the suit holding that the appellant could seek partition of land in dispute. I am not inclined to take a different view. The appeal stands dismissed.

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

6.8.2018
anuradha

(AJAY TEWARI)
JUDGE

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