

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

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**CM-14724-C-2015 in/and
RSA-5915-2015
Date of Decision : 29.01.2018**

Chanan Singh Appellant

Versus

Gurmit Singh Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.D.S. Sodhi, Advocate
for the appellant.

Mr. R.D. Rattewal, Advocate
for the caveator-respondent.

AJAY TEWARI, J. (Oral)

CM-14724-C-2015

For the reasons recorded, the application is allowed. Delay of 31 days in refiling the appeal is condoned.

RSA-5915-2015

By this appeal the appellant has challenged the concurrent judgments of the Courts below dismissing the suit filed by the appellant for restraining the respondent from raising any construction on the property in dispute.

The admitted facts are that the parties are share-holders in the property in dispute. Both the parties have their independent houses and the issue is with relation to some construction which was being carried out by

the respondent. It was the claim of the appellant that this could not have been done without effecting partition. Both the courts below however relied upon various judgments of this court to hold that if any co-sharer raised any construction on joint property, the same would be subject to partition and consequently declined the plea of injunction.

Counsel for the appellant has not been able to show how the judgments of the courts below are flawed, which material evidence has not been considered or which evidence has been considered so perversely so as to justify interference in regular second appeal.

Consequently, the appeal is dismissed. No costs.

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

January 29, 2018
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(AJAY TEWARI)
JUDGE

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