

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

RSA No.1515 of 2017 (O&M)
Date of Decision.30.08.2018

Amandeep Singh Bahra

.....Appellant

Vs

Parveen Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming injunction against the defendants restraining them from alienating the property more than their share in both the Courts below.

Learned counsel appearing on behalf of the appellant submitted that the plaintiff had been found in exclusive possession and therefore, as per the parameters laid down by this Court in judgment of Full Bench judgment of this Court in **Ram Chander Vs. Bhim Singh and others 2008 (3) RCR (Civil) 685**, the suit for permanent injunction against the co-sharers was maintainable.

I am afraid that aforementioned argument is not sustainable as the plaintiff has not been able to place on record any documentary evidence to establish that he had been in exclusive possession. The appropriate remedy for the plaintiff was to seek partition and that was the import of judgments rendered by the Courts

below.

I do not find any illegality and perversity in the findings rendered by the Courts below, 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. Resultantly, the application seeking condonation of delay of 430 days in filing the appeal is also dismissed.

(AMIT RAWAL)
JUDGE

August 30, 2018
Pankaj*

Whether Speaking/Reasoned Yes

Whether Reportable No