

RSA-3172-2017 (O&M)

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

RSA-3172-2017 (O&M)

Date of decision : 29.11.2018

Santosh

... Appellant

Versus

Abhey Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjay Mittal, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-defendant is in the present regular second appeal against the partial allowing of the first appeal upholding the decree of the trial Court granting declaration with regard to the sale deeds dated 28.03.2000 and 07.12.2005 for 10 marlas instead of 12 marlas, but injunction granted by the trial Court has been reversed.

The short point involved in the present case is that the plaintiff along with defendant Nos.2 to 6 were having 2/5th share measuring 10 marlas, whereas as per the recital of two sale deeds, defendant Nos.2 to 6 sold ½ share i.e. 12 marlas to defendant No.7 and further defendant No.7 to defendant No.1.

By rejecting the evidence brought on record, the trial Court granted declaration and permanent injunction. The lower Appellate Court reversed the findings with regard to the injunction, for, the status of the

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parties is of a co-sharer as remedy is only to seek partition, but upheld the declaration qua the sale deeds to the extent of 10 marlas.

The aforementioned findings, in my view, cannot be faulted or suffered from any illegality and perversity. No ground is made out for interference.

Resultantly, the present regular second appeal is dismissed.

29.11.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**