

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

RSA No. 3099 of 2018 (O&M)
Date of decision : August 02, 2018

Sukhdev Kaur

..... Appellant

v.

Jagjeet Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SP Soi, Advocate
for the appellant.

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby decreeing a suit filed by respondent No.1.

The case of respondent No.1/plaintiff was that he was a co-sharer in the land in dispute as well as in the tubewell and he sought an injunction against the appellant restraining her from transferring any specific portion of the land and further for restraining her from creating hindrance in the use of the tubewell. The case of the appellant/defendant was that the plaintiff had no right in the tubewell. The trial Court dismissed the suit but in appeal the lower appellate Court reversed the finding.

Counsel for the appellant has argued that in fact, the appellant does not dispute that respondent No.1 is the half co-sharer in the property or that he is equally a co-sharer in the tubewell connection also. In fact, she

has no intention to sell any portion of the property by specific khasra number/s without partition nor does she has any intention to create hindrance or obstruction for respondent No.1 to irrigate his land from the tubewell as per his share but now under the garb of the decree, the respondent is hindering the appellant from irrigating her land from that tubewell.

In my considered opinion, this contention carries no weight. The impugned judgment and decree have held that the respondent and the appellant are equal share holders in the tubewell. In case, the respondent is trying to obstruct the appellant from irrigating her land, the appellant can well file a suit for injunction. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 02, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No