

RSA-5537-2017 (O&M)

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

**RSA-5537-2017 (O&M)
Date of decision : 29.11.2018**

Butta Singh

... Appellant

Versus

Gurmail Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Gupta, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-plaintiff has not been successful in laying the challenge to the sale deed dated 06.02.2009 executed by Gurmail Singh/defendant No.1 in favour of defendant No.2 on the premise that Gurmail Singh had already exchanged his share with Lal Singh.

Both the Courts below have not agreed with the plaintiff simply on the premise that the status of the subsequent vendor would be of a co-sharer.

Learned counsel appearing on behalf of the appellant-plaintiff submitted that once the land had already been exchanged, Gurmail Singh could not have executed the sale deed in favour of defendant No.2.

I am afraid the aforementioned argument is not sustainable as the *locus standi* would be of Lal Singh, who would have espoused his grievance by filing the suit. Be that as it may, Lal Singh had not been

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impleaded as party. In such circumstances, status of defendant No.2 would be of a co-sharer with the plaintiff. The remedy, if permissible in law, is only to seek partition.

No ground for interference is made out. Accordingly, the present regular second appeal is dismissed.

29.11.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**