

107

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

CR No. 7592 of 2018 (O&M)
Date of Decision: 17.01.2019

Sheela Devi and another

-Petitioners

Vs

Sunita Devi and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gagan Bajaj, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiffs filed a suit for declaration, joint possession and consequential relief of permanent injunction against their sister Sunita Devi and father Kartar Singh.

According to the case set up by the plaintiffs, all are co-sharers in the ancestral land and defendant No.2 has no right to execute the release deed in favour of defendant No.1.

An application for interim injunction was moved thereby seeking to restrain the defendants-respondents to alienate the suit property.

Defendants set up the case that defendant No.2 was capable of executing release deed to the extent of his share in favour of defendant No.1. Share of defendant No.1 would come

out to be $\frac{1}{4} + \frac{1}{4} = \frac{1}{2}$. In a joint land, a co-sharer can alienate the land to the extent of his/her share and such alienation would be subject to ultimate partition amongst the co-sharers.

The concept of co-sharership as defined in **Sant Ram Nagina Ram Vs. Daya Ram Nagina Ram, AIR 1961 Punjab 528** was upheld by Full Bench judgment of this Court in **Bhartu Vs. Ram Sarup, 1981 PLJ 204** and **Ram Chander Vs. Bhim Singh and others, 2008(3) RCR (Civil) 685**. The aforesaid precedents can be relied to see that there cannot be any injunction against a co-sharer in respect of alienation of share in consonance with his/her share.

Even if specific Killa number is sold out of joint property, the same would be deemed to be sale of share.

There is no error of jurisdiction in the impugned order passed by the trial Court.

This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

17.01.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No