

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

**RSA No.3583 of 1999 (O&M)
Date of Decision : 27.11.2019**

Balraj Sharma

.....Appellant

Versus

Balbir Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Harsharan S. Bajwa, Advocate
for the Appellant.

Mr. N.S. Rapri, Advocate and
Mr. Ajay Aggarwal, Advocate
for the Respondent.

SUDIP AHLUWALIA, J. (ORAL)

In the earlier Order passed on 30th July, 2019, it was noted that the Appellant's story of Family Partition between the erstwhile owners/Vendors of the parties, was not based on any solid foundation since both the previous Owners, who were real brothers and had deposed from the Appellant's side as PW-2 and PW-3, had not supported this version, and on the contrary PW-3 had gone to the extent of specifically stating that there was no partition between them.

2. Faced with this, Ld. Counsel for the Appellant has drawn attention of the Court to the Sale Deed (Annexure P-4) executed in

favour of his client by PW-2 Gurbachan Singh, but perusal of the same also goes to indicate that only the dimensions of the area of land being 11½ Karams North to South and 16 Karams towards East to West, had been mentioned in the recital. There is, however, no indication about the actual location of the Suit Land nor any boundaries can be deciphered.

3. In such circumstances, this Court finds no reason to interfere with the decisions of both the Ld. Courts below since admittedly the parties are co-sharers in the disputed land. As such, Appellant would not be entitled to seek an injunction against his co-sharers in the absence of a partition by metes and bounds.

4. No merits.

5. Dismissed.

6. The Appellant is, however, at liberty to take recourse to the appropriate remedy to effect partition by metes and bounds, if so warranted.

November 27, 2019

**(SUDIP AHLUWALIA)
JUDGE**

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No