

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

**RSA No.2363 of 2016 (O&M)
Date of Decision.25.02.2019**

Dal Chand and others	Vs	...Appellants
Mukesh and others		...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sudhir Aggarwal, Advocate
for the appellants.

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AMIT RAWAL J. (ORAL)

The short point involved in the present appeal is by claiming two reliefs of partition and consequential relief of injunction with regard to passage on withdrawal of the suit for partition, can the plaintiff be permitted to seek injunction with regard to passage allegedly claimed by plaintiff to be joint ownership, the answer is 'no'.

No explanation or reason has come forth for withdrawal of the suit for partition. In the absence of any exclusive possession, injunction against the co-sharer cannot be granted. The remedy lied elsewhere.

In view of such circumstances, I do not find any illegality and perversity in the judgments and decrees rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

February 25, 2019
Pankaj*

Whether Reasoned/Speaking	Yes
Whether Reportable	No