

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
RSA No.1095 of 2017 (O&M)
Date of decision:23.05.2019**

Anita Gautam

... Appellant(s)

Vs.

Bishan Chand

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. M.S.Tewatia, Advocate, for the appellant.

Mr. Sanjeev Kumar Panwar, Advocate
for the caveator/respondent.

AMIT RAWAL J. (Oral)

Short point involved in the present regular second appeal is whether appellant-plaintiff, who has purchased the share from the co-sharer vide sale deed dated 09.11.2006 despite having obtained the electricity connection, can be said to be in exclusive possession, the answer would be 'No' as no evidence has been led with regard to the injunction against the co-sharer. The law with regard to injunction against the co-sharer in the absence of exclusive possession is no longer *res integra*. This is what has been noticed by both the Courts below.

In view of the aforementioned observations, no ground is made out for interference in the impugned judgments and decrees of the Courts below.

Resultantly, the regular second appeal is dismissed.

May 23, 2019

savita

Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No