

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

**RSA No.2091 of 2017 (O&M)
Date of Decision.18.03.2019**

Jitender Sharma

...Appellant

Vs

Raj Kumar and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Promila Nain, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The short point involved in the present appeal is whether the impugned sale deed dated 24.12.2012 of the defendants, who had purchased share from the erstwhile owner can be set aside without seeking relief of partition, the answer would be 'no' for the simple reason that status of defendants by virtue of sale deed was of co-sharers. The remedy lied for partition. This is what has been noticed by the Courts below. Plaintiff could have sought separate possession by way of partition.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact, 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**

March 18, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No