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

RSA-549-2017 (O&M)

Date of decision : 21.01.2019

Sawinder Singh

... Appellant

Versus

Bimal Aggarwal

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The short point involved in the present regular second appeal is whether in the absence of exclusive possession, the co-sharer can seek injunction against the co-sharer, who acquired the title in the property by virtue of the sale deeds dated 29.10.2012, 31.10.2012 and 28.03.2013 executed by the erstwhile co-owner, being brother of the plaintiff. The answer is 'No', as the plaintiff has miserably failed to prove the exclusive possession except by tendering the bills with regard to the payment of electricity bills (Mark A to Mark K) and site plan. In the absence of exclusive possession, in view of the ratio decidendi culled out by the Full Bench of this Court in "Bhartu V/s Ram Sarup", 1981 PLJ 204, simpliciter suit for injunction is not maintainable and the remedy lies elsewhere.

In this view of the matter, I do not find any illegality and

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perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the present regular second appeal is dismissed.

21.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**