

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

**RSA No.5663 of 2017 (O&M)
Date of decision:30.01.2019**

Ramesh Kumar and another ... Appellants

Vs.

Raj Kumar and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Suresh Kumar Aneja, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

C.M.No.14958-C of 2017

For the reasons stated in the application which is duly supported by an affidavit, delay of 29 days in filing the appeal is condoned.

C.M. stands allowed.

RSA No.5663 of 2017 (&M)

Short point involved in the present Regular Second Appeal is whether the plaintiffs by relying upon the site plan, sale deed and as per their evidence, can succeed to seek injunction against the defendants in respect of khasra no.1251 which is un-partitionable, the answer is 'No'. The appellant-plaintiffs failed to place on record any material to establish the exclusive possession, though alleged to have purchased specific share, vide sale deed dated 16.04.2014 and defendants, vide sale deed dated 23.02.2004. Once the aforementioned khasra remained joint, in the absence

of exclusive possession, injunction could not have been granted.

The finding of fact and law arrived at by the Courts below cannot be said to be erroneous and perverse.

Resultantly, the regular second appeal is dismissed.

January 30, 2019

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No