

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

RSA No.5962 of 2017 (O&M)

Date of decision:24.01.2019

Dara Singh

... Appellant

Vs.

Om Parkash and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jagdish Manchanda, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in seeking injunction against the respondent-defendants, who concededly are co-sharers. The suit has primarily been dismissed on the ground that plaintiff has not been able to establish the exclusive possession.

Mr. Jagdish Manchanda, learned counsel appearing on behalf of the appellant-plaintiff submitted that though during the pendency of suit, partition proceedings were initiated and had culminated into finality and against the order of revenue Court, CWP No.11457 of 2014 is pending adjudication before this Court but threat of change of nature of suit land is writ large.

I am afraid the aforementioned argument is not sustainable as the remedy for claiming interim relief can always be availed in pending proceedings but the question arises whether the suit for injunction against the co-sharer in the absence of exclusive possession is maintainable or not, the answer is 'No' in view of the law laid down by the Full Bench of this

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Resultantly, the regular second appeal is dismissed.

January 24, 2019
savita

Yes/No

Yes/No