

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

RSA No.6034 of 2017 (O&M)
Date of Decision.02.05.2019

Seema Devi

...Appellant

Vs

Shamsher Singh and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vikram Singh, Advocate and
Mr. Abhinav Sood, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The short point involved in the present is whether the appellant-plaintiff alleged to have purchased 14 ½ marlas from her brother, Ajmer Singh vide sale deed dated 06.05.2013 and to be in exclusive possession of specific portion, can claim injunction qua forcible interference and dispossession as well as removal of boundary wall, the answer would be 'NO', for, the jamabandi Ex.P1 reflected joint ownership of total holding of 20 kanals 13 marlas. In the absence of exclusive possession, law on injunction in respect of co-sharer is no longer *res integra*, in view of ratio decidendi culled out in Full Bench judgment of this Court in **Bhartu Vs. Ram Sarup 1981 PLJ 204** and Division Bench judgment in **Bachan Singh Vs. Swaran Singh 2000(3) RCR (Civil) 70** and the remedy was to seek partition.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, 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

May 02, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No