

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.6079 of 2017 (O&M)

Date of Decision: February 06, 2019

Pritam Singh

...Appellant

Versus

Sohan Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sunil Agnihotri, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

CM No.15903-C of 2017

For the reasons mentioned in the application, which is supported by an affidavit, delay of 15 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.6079 of 2017

Concededly, the property as per the revenue record brought on record by way of additional evidence before the Lower Appellate Court is the co-ownership between the parties to the lis.

Plaintiff sought injunction against the defendant of forcible interference as Punjab Mal @ Punjab Singh, father of the defendant, had already sold the land which was stated to have been proved through the testimony of Banta Ram. Khasra girdawaries, though were not part of the trial court record, but established joint holding of the parties, therefore,

plaintiff could not be protected by way of injunction in the absence of exclusive possession. The remedy lied elsewhere. This is what has been held by the Lower Appellate Court being the last Court of fact and law. The plaintiff has a remedy to seek partition.

No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

February 06, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No