

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

RSA-5213-2016(O&M)

Date of decision: 29.01.2020

Makhan Singh

.....Appellant

Versus

Labh Singh alias Ranbir (since deceased) now represented by his L.Rs
Puspha and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Arun Kumar Bakshi, Advocate for the appellant

Mr. Rajesh Bansal, Advocate for the respondents

ANIL KSHETARPAL, J. (ORAL)

Both the parties alongwith their counsel are present in Court.

The plaintiff-appellant is in Regular Second Appeal against the judgment and decree passed by the learned First Appellate Court reversing the judgment and decree passed by the learned Trial Court. The plaintiff has filed a suit for permanent injunction claiming that a small plot measuring 2 marlas comprised in khewat no.426 khatoni no. 498 rectangle no. 101 is joint and un-partitioned property of both the plaintiff and the defendants. The plaintiff claims that the defendants should be restrained from raising further construction over the suit property without getting it partitioned.

Learned Trial Court decreed the suit, however, learned First Appellate Court by a detailed judgment has reversed the judgment and decree passed by the learned Trial Court.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below. During the course of arguments, learned counsel for the parties have arrived at a consensus. They have submitted that the plaintiff would file a suit for partition, which is an appropriate remedy and seek possession therein. It is further agreed that if the defendants raise any further construction on the joint/un-partitioned property, they shall not be entitled to any compensation on that account if the constructed portion, ultimately, falls to the share of the plaintiff.

Disposed of.

29.01.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No