

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

RSA No. 2911 of 2018(O&M)

Date of decision: 24.2.2020

Satnam Singh

.....Appellant

VERSUS

Avtar Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ramesh Sharma, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal has been directed against judgments and decrees passed by the Courts whereby suit for permanent injunction restraining the respondents/defendants from making any type of construction thereby changing nature of property or raising construction on a valuable portion of land measuring 6 kanal 7 marlas, detailed in para 1 of the judgment of trial Court was dismissed.

Indisputably, the respondents/defendants are the co-sharers in the aforesaid land and appellant/plaintiff failed to prove his exclusive possession on any portion of the joint land.

Counsel for the appellant has failed to point out that consistent findings recorded by the Courts suffer from any legal flaw or the judgment of this Court in **Bachan Singh Vs. Swaran Singh, 2000(3) PLJ 416** wherein rights of a co-owner to seek injunction against other co-owner has been decided, has wrongly been applied. In this view of the matter, I do not find any reason to interfere in the judgments impugned.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. However, appellant shall be entitle to seek appropriate remedy in law for partition of joint property.

FEBRUARY 24, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no