

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

RSA-3638-2014 (O&M)

Date of decision: 07.03.2022

Dabwali Gum Gavar and Chemical Industries

....Appellant

Versus

Bimla Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arihant Jain, Advocate for the appellant

Mr. Karunesh Kaushal, Advocate for

Mr. Deepak Kaushal, Advocate for respondent no.3

ANIL KSHETARPAL, J (Oral)

The appellant is a plaintiff in a suit for grant of decree of permanent injunction restraining the respondents from interfering in his possession and from alienating the specific portion/plot more than their share. The plaintiff claims that after having purchased 16 kanals land in the year 1974, he transferred 5/12th share in favour of Jaipal, husband of defendant no.1 and father of defendant no.2. Both the courts, on appreciation of evidence, have found that the parties continued to be the co-sharer and therefore, a mere suit for injunction is not maintainable.

Learned counsel representing the appellant submits that during the pendency of the suit, plots have been carved out in the suit land by the defendants, therefore, they should be restrained from raising further construction on the said land. As the transfer of certain share to the predecessor-in-interest of defendant no.1 and 2 is not in dispute and plots have been carved out, therefore, the plaintiff, if so advised, may seek remedy by filing the partition proceedings.

With these observations, the appeal is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

07.03.2022
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No