

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

RSA-233-2020 (O&M)

Date of decision: 30.09.2022

Shamsher Singh

....Appellant

Versus

Gamdoor Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Fatehjeet Singh, Advocate for
 Mr. Kulbir Singh Sekhon, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

While assailing the correctness of the findings of fact arrived at by the First Appellate Court, the plaintiff has filed the present appeal. The plaintiff claims to be the co-sharer in an undivided property. While praying for the grant of decree for permanent injunction, restraining the defendants from interfering into his possession or forcibly dispossessing him, he claims to be in exclusive possession of the same portion of the joint property. Although the trial court partly decreed the suit, however, the First Appellate Court on the re-appreciation of evidence, has found that the plaintiff has failed to prove that he alongwith his brother and sister are in exclusive possession of the suit property. As per the revenue record, all the co-sharers are in the joint possession. It has come on record that the plaintiff while filing the suit has concealed material facts including the order passed by the competent authority in the partition proceedings.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

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

30.09.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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