

2024:PHHC:006394
**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-973-2021 (O&M)
Date of decision: 18.01.2024

Jodhbir Singh

....Appellant

Versus

Sat Pal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rajinder Goel, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. This is the plaintiff's Regular Second Appeal to assail the correctness of the judgment and decree passed by the First Appellate Court, which in turn has reversed the judgment and decree passed by the trial court. Admittedly, both the parties are co-sharers/co-owners in a joint khata. The First Appellate Court has held that an appropriate remedy for the plaintiff is to file a suit for partition and his suit for declaration and possession in the absence of partition is not maintainable.

2. Learned counsel representing the appellant, though made a sincere attempt, however, failed to draw the attention of the Court to any substantive misreading or non-reading of the evidence as well as any perversity in the judgment passed by the First Appellate Court.

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

4. Hence, dismissed.
5. All the pending miscellaneous applications, if any, are
also disposed of.

18.01.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE