

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH*************RSA-1077-2022****Date of Decision: 28.04.2025****JYOTI****.... APPELLANT****Vs.****MAIN PAL SINGH AND OTHERS****.... RESPONDENTS*************CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by:- Mr. Vineet Chaudhary, Advocate, for the appellant.

***********DEEPAK GUPTA, J.**

Suit filed by plaintiff - Jyoti (*appellant herein*) seeking decree of permanent injunction regarding property in dispute was dismissed by the trial Court on 07.12.2016 and said judgment has been upheld by the First Appellate Court on 12.10.2021, while dismissing the appeal of the plaintiff-appellant.

2. Assailing the concurrent findings of the Courts below, learned counsel contends that evidence on record has not been properly appreciated by the Courts below.

3. After going through the paper-book, this Court does not find merit in the contention.

4. Plaintiff purchased suit property, detailed in the headnote of the plaint, forming part of a joint Khewat, by virtue of a sale deed dated 23.07.2009, and claimed to be in exclusive possession thereof, based upon a family settlement with other co-owners. She prayed for a decree of permanent injunction to restrain the defendants from interfering in her possession.

5. Defendants contested the suit claiming that they were also co-shares and sale in favour of the plaintiff was of the share only and she was not in possession of any specific khasra number.

6. Both the Courts below found that suit property was part of the joint Khewat. It has also been found that suit property has not yet been partitioned by metes and bounds as admitted even by plaintiff-Jyoti during her testimony. So much so, even the sale deed (Ex.P1) relied by the plaintiff reflected her grandfather-vendor to have sold undivided share in the property in dispute and as such, she could not claim absolute ownership over the suit property.

7. In the aforesaid facts and circumstances, learned Appellate Court rightly relied upon *Bhartu Vs. Ramsarup, 1981 PLJ 205 (P&H) (FB)*; and *Bachan Singh Vs. Swara Singh, 2000 (2) PLJ 143 (DB)*, so as to hold that the only remedy available a co-sharer is to seek partition against the other co-sharers; and that he cannot seek injunction against the other co-sharers.

8. This Court does not find any ground to interfere in the concurrent findings of facts as recorded by the Courts below, which are based upon proper appreciation of factual as well as legal position, warranting no interference.

No merits. Dismissed.

(DEEPAK GUPTA)
JUDGE

28.04.2025

Vivek

Whether speaking/reasoned?	Yes
Whether reportable?	No