



RSA-2156-2019 (O&M)

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

104**RSA-2156-2019 (O&M)****Date of decision :04.12.2025****NARANJAN SINGH****... APPELLANT****VERSUS****GURMEET SINGH AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Jitender Singh Dadwal, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

1. The plaintiff-appellant is aggrieved by the dismissal of his suit for permanent injunction vide judgment and decree dated 06.07.2015 passed by the Additional Civil Judge (Senior Division), Dasuya, as well as by the dismissal of his first appeal by the First Appellate Court vide judgment and decree dated 01.11.2017 passed by the Additional District Judge, Hoshiarpur.

2. The appellant-plaintiff had preferred a suit for seeking a decree of permanent injunction to restrain the defendants-respondents from alienating or transferring any specific portion, or more than their respective share, or from creating any charge over any portion of the property jointly owned by the plaintiff and defendant No. 1, situated at village Talwandi Salhan, District Hoshiarpur, as fully described in the plaint.

3. Both the Courts below have concurrently found that the suit property is jointly owned by the plaintiff-appellant and the defendants-respondents. In view of the specific provisions of Section 41(h) of the Specific Relief Act, 1963, the Courts have rightly declined the relief of injunction, holding that one co-sharer



cannot seek such restraint against another co-sharer when efficacious remedy of partition is available.

4. It is admitted that the plaintiff-appellant has already initiated partition proceedings before the competent authority. In view of the availability of an efficacious remedy, no ground is made out to interfere with the well-reasoned judgments passed by both the Courts below.

5. The appeal is accordingly dismissed.

6. The plaintiff-appellant shall, however, be at liberty to pursue the partition proceedings in accordance with law.

7. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

04.12.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No