



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

RSA-95-2021 (O&M)

Date of decision : 05.05.2025

Manohar Lal and others

...Appellants

Vs.

Surinder Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dheeraj Mahajan, Advocate
Mr. Jasjit Singh Saini, Advocate
for the appellants.

None for the respondents.

ANIL KSHETARPAL, J. (Oral)

1. The plaintiffs assail the correctness of concurrent findings of fact arrived at by the Courts below while dismissing their suit for grant of decree of permanent injunction restraining the defendants from raising construction.
2. The parties are co-sharers. Defendant No.6 has purchased some part of the joint property. An application for partition is pending. The plaintiffs admit that all the co-sharers have constructed their respective houses in the joint property. They also admit that other co-owners have sold their part of property and the defendants have purchased the property. Thus, the Courts below have refused to grant injunction.
3. Learned counsel representing the appellants submits that the parties are co-sharers and till the partition is finally decided, the defendant should be restrained from raising construction.



4. This Court has considered the submissions made by the learned counsel representing the appellants.
- 5 It is evident that the plaintiffs admit that all the co-sharers including the plaintiffs have raised construction. Hence, they cannot restrain other co-sharers to construct their houses, which of course will be subject to partition.
6. Keeping in view the aforesaid facts, no ground to interfere is made out.
7. Hence, the appeal is dismissed.
8. All the pending miscellaneous applications, if any, are also disposed of.

05.05.2025

neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No