



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.4513 of 2011 (O&M)

Date of Order:27.02.2025

Hakam Singh

.Appellant

Versus

Gurdev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Param Preet Singh Brar, Advocate
for the appellant.

Mr. Ankush Singla, Advocate
Ms. Parul Sarvar, Advocate
Ms. Shiny Chopra, Advocate
for respondent nos.2 and 3.

ANIL KSHETARPAL, JUDGE (Oral)

1. This is the plaintiff's Regular Second Appeal against the First Appellate Court's judgment which in turn has reversed the judgment of the trial court.

2. The plaintiff filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in his possession of land measuring 53 kanals.

3. The defendants contested the suit claiming that the property is joint and the share of the plaintiff is 42 kanals and not 53 kanals. Moreover, defendant no.6 has sold 53 kanals and 5 marlas land out of the land measuring 159 kanals and 18 marlas, in favour of defendant no.1.

4. The trial court decreed the suit, however, the First Appellate Court found that the property between the parties is joint and the subsequent purchaser has become a co-sharer in the joint land. Moreover, the plaintiff



failed to prove his exclusive possession.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellant submits that the appellant is recorded as a co-owner and the khasra girdwari was entered in favour of the appellant as per order of the Assistant Collector 2nd Grade.

7. This court has considered the submissions of the learned counsel representing the parties.

8. Before the Assistant Collector 2nd Grade, neither the respondent nor his predecessors were heard. Moreover, as per the revenue record, the parties are joint owners in possession of the property. Hence, the remedy for the appellant is to seek partition.

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

10. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 27, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**