



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

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**RSA-1773-2026 (O&M)
Date of decision:02.07.2026**

RAM BAKSH AND ANOTHER

...APPELLANTS

VERSUS

GURMIT SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Arvinder Arora, Advocate
for appellants.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-plaintiffs being aggrieved by dismissal of their suit for permanent injunction vide judgment and decree dated 18.10.2021 passed by learned Civil Judge (Junior Division), Naraingarh, Ambala as well as first appeal vide judgment and decree dated 03.04.2026 passed by District Judge, Ambala.

2. Appellants-plaintiffs have sought relief of permanent injunction seeking to restrain defendants from dispossessing them and from removing the trees of appellants-plaintiffs forcibly and illegally, which are standing in land bearing khewat No.102/148, khasra Nos.1088, 1089, 1091, 1092, 1093, 1094, 1095, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107 and 1109 without getting the same partitioned. It was claimed by appellants-plaintiffs that they and respondents-defendants are co-sharers of suit land. It was also claimed that apart from suit land, appellants-plaintiffs and respondents-defendants are co-sharer in another property and it is

appellants-plaintiffs who are in exclusive possession of suit property, whereas respondents-defendants are in possession of other property to the extent of his share in the entire joint property. It was further claimed by appellants-plaintiffs that they were in exclusive possession of suit property and respondents-defendants have no right to interfere in the same. It was claimed that suit property is possessed by appellants-plaintiffs and partition proceedings are still pending, therefore, appellants-plaintiffs who are in possession of suit property are entitled to protect their possession from acts of respondents-defendants and accordingly had sought permanent injunction against respondents-defendants.

3. Respondents-defendants vide their detailed written statement admitted that parties are co-sharers in suit land but claimed exclusive possession of khasra Nos.1111, 1110, 1109, 1108, 1107, 1106, 1098, 1099, 1097, 1096, 1094, 1093, 1088 and to have planted trees on khasra Nos.1094, 1093 and 1088. Respondents-defendants also claimed to be owners of the standing trees. It was asserted that appellants-plaintiffs have also planted trees of *safeda* standing in khasra Nos.1101, 1089 and on line in between khasra No.1099, 1098, 1104 and 1105. It was claimed that appellants-plaintiffs have already cut some trees which were in line between khasra No.1102-1103, 1109-1108. It was also claimed by respondents-defendants that marriage of sister of defendant No.4 was fixed for 04.11.2016 and since he was in need of money he wanted to cut and sell the trees standing in khasra No.1088, 1093 and 1094, however, appellants-plaintiffs have preferred the suit. It was asserted that suit land is still joint. It was admitted that the joint land is situated at two places, however was claimed that their

value differ on account of quality of land. Hence, dismissal of suit was prayed for.

4. From the pleadings of the parties, following issues were framed:-

- i. Whether the plaintiffs are entitled to a decree for permanent injunction as prayed for? OPP.
- ii. Whether the suit of the plaintiffs is not maintainable in the present form ? OPD.
- iii. Relief.

5. In present case, both the parties agreed that suit property is joint property and they are co-sharers. It is also not in dispute by either of the parties by way of their pleadings that partition proceedings between the parties is pending before revenue authorities. Furthermore, both the sides are claiming their exclusive possession over the suit property. Appellants-plaintiffs are claiming their possession over entire suit property, whereas respondents-defendants are claiming their possession over some of the khasras duly mentioned in written statement i.e. 13 khasras out of 19 khasras numbers of which suit property is comprised of. Both the parties are claiming that other side is trying to cut the trees which were planted by them. Learned Courts below had concluded that from *jamabandi* Ex.P1 for the year 2014-2015, it is clearly made out that land is still joint and no partition by meets and bounds had taken place between the parties. Courts have also duly taken notice of khasra girdawaris entries (Ex.D7 and Ex.D8) which show that possession is with Amar Singh etc. and suit property is not in exclusive possession of appellants-plaintiffs. In order to prove their exclusive possession, appellants-plaintiffs have relied upon demarcation

report (Ex.P4 and Ex.P5) i.e. application for verification and report prepared by Naib Tehsildar. Learned Courts below have rejected the reliance upon Ex.P5 after examining the same and finding that at the time of preparation of report (Ex.P5) neither any notice was given to respondents-defendants nor respondents-defendants were present at the time of demarcation. Both the Courts have held Ex.P15 to be unilateral documents. The Courts have further taken into consideration khasra girdawari (Ex.D7) showing possession of suit property jointly with appellants-plaintiffs and respondents-defendants and accordingly had concluded that appellants-plaintiffs have failed to prove their exclusive possession over the suit property and therefore injunction against co-sharer was declined.

6. On consideration, this Court finds no error in the approach adopted by learned Courts below. Both the Courts have rightly concluded that appellants-plaintiffs have failed to prove his exclusive possession over the suit property and has rightly noticed that both parties are in joint possession of suit property being co-sharers as suit property is yet to be partitioned. Where parties are co-sharer, injunction against a co-sharer can only be granted when exclusive possession over the suit property of one of the co-sharer is established beyond doubt. However, in present case, appellants-plaintiffs have failed to prove their exclusive possession and therefore, the possession of appellants-plaintiffs and respondents-defendants being co-sharer has to be held to be joint possession and no injunction against co-sharer in these circumstances can be granted. Therefore, appellants-plaintiffs are not entitled to any injunction against their co-sharer. The only efficacious remedy available to appellants-plaintiffs is to seek

partition by meets and bounds in accordance with law.

- 7. In view of above discussion, present appeal is dismissed being without any merit.
- 8. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

02.07.2026
Sunil Chander

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