

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

**Date of Decision : January 27, 2025
RSA No.776 of 2021 (O&M)**

Iqbal Singh**. . . . Appellant**

Vs.

Jagseer Singh and others

.. . . RESPONDENTS*** * * *****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Pardeep Kumar Bajaj, Advocate for the appellant.**DEEPAK GUPTA, J.**

Defendant of the case is before this Court in the present regular second appeal against the concurrent findings of the Courts below, inasmuch as suit for permanent injunction filed by the plaintiffs – Jagseer Singh and others (now respondents) seeking decree of permanent injunction was decreed by the trial Court on 19.05.2018 and the appeal filed by the defendant – Iqbal Singh (now appellant) was dismissed by the First Appellate Court on 26.11.2019.

2. Admittedly, both the parties are co-sharers in the land comprised in khewat No.196 of revenue estate of village Kotli Ablu-I, Tehsil Gidderbaha, District Sri Muktsar Sahib. Plaintiffs claimed to be in possession of 4 kanal of land comprised in khatoni No.300, Rect. No.56 Killa No.18 min of the said khewat and alleged interference on the part of the defendant, who is in possession of the land comprised in khatoni No.299 Rect. No.56 Killa No.18 min(4-0).

3. The Courts found that earlier defendant had filed a suit for permanent injunction regarding the property comprised in khatoni No.299, Rect. 56 Killa No.18(4-0) and in that suit he had not claimed his possession on the land comprised in khatoni No.300. The Appellate Court has also referred

to the revenue record to hold that exclusive possession of the plaintiffs is reflected in suit land comprised in khatoni No.300 of khewat No.196. It has been held that the plaintiffs being in exclusive possession of the said land, they are entitled to protect the same till partition.

4. The sole contention raised by learned counsel for the appellant-defendant is that said defendant is also a co-sharer in the joint khewat and every co-sharer is presumed to be in possession of every inch of the property and so decree of permanent injunction has wrongly been granted to the plaintiffs-respondents.

5. There is no merit in the aforesaid contention. No doubt, it is true that as per settled legal position, every co-sharer is presumed to be in possession of every inch of the joint land, but in case one of the co-sharers is in settled exclusive possession over a portion of the joint land, then he is entitled to protect the same till the land is actually partitioned by metes and bounds.

6. As such, the Courts below did not commit any error in decreeing the suit of the plaintiffs-respondents. This Court does not find any reason to interfere in the concurrent findings of facts as recorded by the Courts below. There is no illegality or perversity in the impugned judgments. Holding the present appeal to be devoid of merit, the same is hereby dismissed.

January 27, 2025
Sarita

(DEEPAK GUPTA)
JUDGE

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| Whether speaking/reasoned? | Yes/No |
| Whether reportable? | Yes/No |