



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

118

RSA-1388-2022

Date of Decision: 22.04.2025

MAHIPAL

.....Appellant

Vs.

DESH RAJ AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Amit Kumar Jain, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

Suit seeking decree of permanent injunction regarding the property in dispute filed by the plaintiff-Mahipal (*appellant herein*) was dismissed by the trial Court on 20.02.2017 and the findings have been affirmed by the First Appellate Court vide judgment dated 03.01.2022.

2. Though the aforesaid findings have been assailed by the counsel for the appellant, but it is conceded that partition proceedings are going on. It is also conceded that both the parties are co-sharers in the property in dispute. Although both the parties claimed exclusive possession of the property in dispute, but it is the conceded position that in the revenue record, both of them are recorded to be co-sharer in the joint possession of the suit land.

3. In the aforesaid facts and circumstances, the remedy for the plaintiff was to seek partition and not to seek injunction against the another co-sharer. As stated by learned counsel that proceedings for partition is pending, as such this Court does not find any reason to disturb the well reasoned concurrent findings of the fact as recorded by the Courts below.

Dismissed.

22.04.2025

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**(DEEPAK GUPTA)
JUDGE**

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