Learned counsel for the appellant has submitted that the Courts below have not taken into consideration the written statement filed by the respondents and further the statement of the respondents by filing an application under Section 372 of the Indian Succession Act against the appellant, wherein they had admitted that there is only one house and there is no other house. He thus, contends that the judgments and decree passed by the Courts below cannot sustain.

This contention of the learned counsel for the appellant cannot be accepted in the light of the fact that the appellant-plaintiff has not appeared in the witness box to support his claim in the suit. The Courts have, therefore, rightly proceeded to dismiss the suit of the appellant. That apart, it is merely a suit for injunction, therefore, the conclusions drawn by the Courts below cannot be faulted with.

There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be based on proper appreciation of the evidence produced by the parties, there is no illegality in the impugned judgments passed by the Courts below. Further, there is no substantial question of law in the present appeal, which requires consideration of this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

October 19, 2015
pj

PRERNA DATTA
2015.10.20 13:24
I attest to the accuracy and
authenticity of this document
High Court, Chandigarh