

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 4059 of 2012 (O&M)
Date of decision: 21.7.2015

Mohinder Singh

.. Appellant

v.

Ram Singh

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. K. R. Dhawan, Advocate for the appellant.
Mr. Vijay Sharma, Advocate for the respondent.

...

Rajesh Bindal J.

The defendant has filed the present appeal, whereby the suit filed by the respondent-plaintiff was partly decreed by both the courts below.

The prayer in the suit was for permanent injunction restraining the defendant-appellant from raising any construction on the suit property till such time it is partitioned by meets and bounds. The appellant-defendant has been restrained from raising any construction. It is not in dispute that partition proceedings were disposed of by Assistant Collector Grade-I, Moga vide order dated 5.8.2011 opining that the parties had already partitioned the suit property.

The contention of learned counsel for the appellant was that appeal filed against the aforesaid order was dismissed in default on 29.5.2012, whereas learned counsel for the respondent submitted that application for restoration has been filed, which is pending. Be that as it may, the court below has merely restrained the appellant from raising any construction on the suit land before it is partitioned by meets and bounds

and the partition proceedings are pending, in my opinion, no interference is required for in the judgments and decrees of the courts below.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed. Consequently, the accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

21.7.2015
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