

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

RSA No.4615 OF 2012 (O&M)
DATE OF DECISION : 17th AUGUST, 2015

Radha Ram

.... Appellant

Versus

Gurmit Singh

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. S. S. Sidhu, Advocate for the appellant.

Mr. C. M. Munjal, Advocate for the respondent.

* * * *

SURINDER GUPTA, J. (ORAL)

This is appeal against concurrent judgments of the Court below whereby the suit filed by the respondent seeking relief of permanent injunction to restrain the appellant from interfering in his possession over the suit land bearing khasra No.183//2/8(1-1), 9/2(4-8) and 18/1(4-8) total 9 Kanal 17 marla, out of Khewat No.470 as per the jamabandi for the year 2004-05, was decreed and the appellant was restrained from interfering in the peaceful possession of the plaintiff over the suit property.

I have heard learned counsel for the parties and perused the case file with their assistance.

Learned counsel for the appellant has argued that a suit filed by the appellant and others, challenging the partition proceedings and the *Sanad Takseem* issued by the Revenue Authorities, was pending at the time of filing of this suit. That suit was filed in the year 2003 and till the final decision of that case the plaintiff could not seek the relief of injunction as

he had stepped into the shoes of Baljit Rai who was defendant No.3 in that suit.

Learned counsel for the respondent submits that the suit filed by appellant and others was dismissed by the trial Court vide judgment dated 15.05.2009 and the appeal against that judgment was also dismissed by the first appellate court vide judgment dated 01.08.2013.

In view of the above submissions of learned counsel for the respondent, the learned counsel for the appellant seeks permission to withdraw the instant appeal, with liberty to avail further remedies available to the appellant.

Dismissed as withdrawn, with liberty as prayed for.

17th August, 2015
'raj'

(SURINDER GUPTA)
JUDGE