

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4950 of 2012 (O&M)
Date of Decision.31.08.2015

Karnail SinghAppellant

Versus

Manjit Kaur and othersRespondents

2. RSA No.5381 of 2012

Manjit Kaur and othersAppellants

Versus

Karnail SinghRespondent

Present: Mr. Sandeep Arora, Advocate
for the appellant in RSA No.4950 of 2012 and
for the respondent in RSA No.5381 of 2012.

Mr. R.S. Bajaj, Advocate
for the appellants in RSA No.5381 of 2012 and
for the respondent in RSA No.4950 of 2012.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The counsel in RSA No.4950 of 2012 is unwilling to argue the matter and states that there is no substantial question of law that arises in the second appeal. The counsel in RSA No.5381 of 2012 makes reference to a document which is in vernacular but he is not able to read the same. All that I can gather from the truncated argument placed before me is that the plaintiff's claim was with reference to property in Khasra No.665 while the defendant was claiming the property in Khasra No.661/1. The plaintiff's contention was that the defendants had encroached upon the property and put up construction and therefore,

wanted a relief of mandatory injunction as well as removal of construction made in the plaintiff's property. The Court had found that the defendants had put up construction only in the property which they owned and dismissed the plaintiff's suit seeking for mandatory injunction. However, it allowed for the preventive injunction to be granted against the defendants. The contention of the defendants was that there had been an agreement between the plaintiff's predecessor and the defendants' predecessor with reference to passage in Khasra No.665 and the defendants' had right to go through the said passage. If there is an agreement between the parties over which the defendants could exercise their right of way, a relief of injunction granted in favour of the plaintiff, according to them, was not justified.

2. I asked the counsel to inform me about the nature of agreement between the parties and also wanted him to explain to me, if it was in vernacular what the document contains. The counsel says that he cannot read even the vernacular document he has in his hands because it is not readable. The cases presented in the year 2012 cannot be allowed to be languishing in Court with no assistance from the counsel.

3. I find that no substantial question of law is involved in the second appeals. Both the second appeals are dismissed.

(K. KANNAN)
JUDGE

August 31, 2015
Pankaj*