

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

RSA No.3265 of 2013 (O&M)
Date of Decision.31.08.2015

Pritam Kaur

.....Appellant

Versus

Deepak Kumar

.....Respondent

Present: Mr. Maninderjit Singh, Advocate for
Mr. Anterpreet Singh, Advocate
for the appellant.

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. Delay of 79 days in filing the appeal is condoned.
2. The plaintiff is the appellant before this Court. The counsel for the appellant seeks for an adjournment. I have noticed from the record that the appeal was filed on 08.07.2013 and on the first occasion when the matter came up for hearing on 26.11.2013, there had been no representation on behalf of the appellant and it was adjourned for 21.04.2014. On that day, Mr. Balkaran Singh, Advocate had appeared and sought for time and it had been adjourned by four months to 22.08.2014. On subsequent dates on 22.08.2014 and 11.12.2014 and still later on 24.04.2015, there had been no representation made on behalf of the appellant. The Court had actually observed on 24.04.2015 that the case was called twice and since there was no representation, the case was being adjourned.

3. In such a situation I would find the absence of the counsel who is on record to be unjustified and a plea for adjournment made through another counsel who has no clue of what the case is, is still more unjustified. The issue whether there exists any substantial question of law is essentially a Court's duty, I have, therefore, examined the record of this case where the plaintiff was seeking for injunction in relation to the suit property claiming the property to be in possession of husband Charan Singh and after the husband's life time, she has been in possession of property. The defence was that Charan Singh had filed a suit with reference to very same subject matter and that suit was dismissed. The plaintiff herself has filed a suit against the Electricity Board claiming the right regarding the electrical installations. That suit was also dismissed. The contention was that there is a road running South of the suit property and the plaintiff owns her property South of the street. The plaintiff was trying to take advantage by making false claim to the property when she was, in fact, not in possession nor was she owner of the property. The Court took notice of the earlier proceedings and proceeded to dismiss the case as meritless.

4. I find absolutely nothing worthy for consideration in the second appeal. There is no substantial question of law involved in the second appeal and it is dismissed.

(K. KANNAN)
JUDGE

August 31, 2015
Pankaj*