

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

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Regular Second Appeal No.3671 of 2013 (O&M)
Date of Decision: September 07, 2015

Karaj Singh

...Appellant

Versus

Mohinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Balbir Singh Jaswal, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.9899-C of 2013

Prayer in this application is for exemption from filing the certified copy of judgment and decree passed by Civil Judge (Junior Division), Ajnala, dated 01.10.2011.

Application is allowed subject to just exceptions.

Exemption from filing the certified copy of judgment and decree passed by Civil Judge (Junior Division), Ajnala, dated 01.10.2011 is granted.

CM No.9900-C of 2013

Prayer in this application is for condonation of delay of 8 days in re-filing the appeal.

For the reasons mentioned in the application, which is supported by the affidavit of the appellant, the same is allowed.

Delay of 8 days in re-filing the appeal is condoned.

RSA No.3671 of 2013

Challenge in this appeal is to the judgments and decree passed by the Courts below, whereby the suit of the appellant-plaintiff for

possession of the land measuring 1 kanal 4 marlas out of land measuring 3 kanals 19 marlas bearing Khasra No.31//2/2, Khata-Khatauni No.106/191 as per jamabandi for the year 2001-2002, situated in village Harsha Chhina, Tehsil Ajnala, District Amritsar, with consequential relief of mandatory injunction, stands dismissed.

2. As per the judgments and decree passed by the Courts below, the appellant-plaintiff can avail of the remedy of partition of the suit property as it is not in dispute that the property is still a joint holding.

3. The findings as recorded by the Courts below cannot be faulted with as there is neither any misreading nor wrong conclusions drawn by the Courts below as per the pleadings and the evidence led by the parties.

4. Both the Courts below have returned concurrent findings after properly appreciating the evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

5. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

September 07, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE