

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

DATE OF DECISION: OCTOBER 20, 2015

Santosh and others

.....Appellants

VERSUS

Suresh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

Present: Mr. Mani Ram Verma, Advocate,
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgement and decree passed by the Civil Judge (Junior Division), Gohana, dated 18.08.2009, by which suit for declaration and permanent injunction with consequential relief of possession preferred by the appellant-plaintiffs stands dismissed and the appeal preferred has also been dismissed on 31.01.2013 by the District Judge, Sonapat.

It is the contention of counsel for the appellants that the finding recorded by the Courts below that the suit is barred under Order 21 Rule 97 of the Code of Civil Procedure is not sustainable as the objections, which were filed in the execution proceedings by the appellant-plaintiffs, were only limited to the extent that the same be kept pending till the final decision of the present suit pending before the Court. He, thus, contends

that the judgements and decree passed by the Courts below cannot sustain and deserve to be set-aside.

This contention of learned counsel for the appellants cannot be accepted as a perusal of the order dated 10.10.2003 (Ex.D-6) passed by the Executing Court makes it amply clear that all the objections, which had been taken therein, which could have been and are the grounds of appeal, were dealt with and thereafter the same rejected. The conclusions, thus, drawn by the Courts below cannot be faulted with either on facts or on law.

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.

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

October 20, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE