

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

**CM-3604-C-2015 in/and
RSA No. 1269-2015 (O&M)
Date of Decision: December 01, 2015**

Kuldip Singh

.... Appellant

vs.

Darshan Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Manoj Sharma, Advocate for
Mr. Ashish Aggarwal, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

An application for condonation of delay of 426 days in filing the present appeal has been filed on the ground that the applicant-appellant is an old man and suffering from various diseases and could not come to know about the judgment passed way back in the year 2013.

The plaintiffs had filed a suit for permanent injunction restraining their brother Darshan Singh from alienating the disputed property. They pressed their claim on the basis of the compromise dated 08.01.2004 (Ex.P1).

The lower court has recorded the findings of facts that the plaintiffs had concealed from the court that they had sold more than their share even before entering into the compromise (Ex.P1) and the

injunction was declined. The findings were upheld in appeal. There are concurrent findings of facts recorded by both the courts below.

I have heard learned counsel for the applicant-appellant on the application for condonation of delay in filing the appeal as well as the main appeal on merits.

The fact that the plaintiffs had already sold more than their share of the disputed property stands established. Therefore, the injunction was rightly refused by both the courts below.

As such, I am of the view that there are no sufficient grounds for condoning such huge delay in filing the appeal. Hence, the application for condonation of delay of 426 days in filing the appeal is dismissed. The appeal is also otherwise found to be without any merit. Consequently, the regular second appeal also stands dismissed.

December 01, 2015
sarita

(KULDIP SINGH)
JUDGE