

R.S.A. No.1515 of 2015 (O&M)

[1]

In the High Court of Punjab and Haryana at Chandigarh

R.S.A. No.1515 of 2015 (O&M)

Date of Decision: 12.10.2015.

Jagga Singh

..Appellant

Versus

Harnek Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Deepak Sharma, 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)

CM No.4218-C of 2015

Application for condonation.

In view of the reasons mentioned in the application, supported by the affidavit of Mr. Deepak Sharma, Advocate of the appellant, delay of 46 days in re-filing the appeal stands condoned, subject to just exception.

RSA No.1515 of 2015

Impugned in the present regular second appeal is judgment and decree dated 09.07.2014 passed by the Ld. Additional District Judge, SAS Nagar, Mohali affirming the

judgment and decree dated 18.01.2011 passed by Civil Judge, Junior Division, SAS Nagar, Mohali, whereby the suit of the plaintiff for permanent injunction was dismissed.

The plaintiff claimed that he is in possession of the property in dispute/bara and sought injunction against the defendants. Both the Courts below have held that plaintiff has failed to prove his ownership and possession. The long established possession was not even alleged in the plaint. Bara from its nature is an open space. These are the findings of the facts and cannot be interfered in the Regular Second Appeal.

Consequently, the appeal stands dismissed.

October 12, 2015

Ankur

**(KULDIP SINGH)
JUDGE**