

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

**Regular Second Appeal No. 974 of 2013 (O&M)
Date of decision : 20.03.2015**

Rajinder Kaur and another

....Appellants

versus

Sarina and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Dhindsa, Advocate,
for the appellants.

Mr. R.S. Ahluwalia, Advocate,
for respondent No.1.

Mr. Manpreet Singh Longia, Advocate,
for respondent Nos. 2 to 4, 6 and 7.

None for respondent No.8.

RITU BAHRI, J.

This appeal has been filed against the judgment dated 06.11.2012 passed by the Additional District Judge, Rupnagar, whereby he has dismissed an appeal filed by the plaintiff-appellants against the judgment and decree dated 06.04.2011 passed by the Additional Civil Judge (Senior Division), Ropar, dismissing the suit of the plaintiff-appellants.

Plaintiffs-appellants had filed a suit for permanent injunction restraining defendant Nos. 1 & 2 (Kulwant Raj Kaur and Sarina) and defendant No.9 (Punjab State Electricity Board, Kurali) from dismantling the tubewell bearing account No.I-260 (5 BHP), installed over the land

comprised in Khewat/Khtauni No.40/40, Khasra No.1637, situated in the area of village Dhanauri, H.B. No.230, Tehsil and District Ropar. The trial Court dismissed the said suit vide judgment and decree dated 06.04.2011. Appeal against the said judgment was dismissed by the Additional District Judge, Rupnagar vide judgment dated 06.11.2012.

Learned counsel for respondent Nos. 2 to 4, 6 and 7 has informed the Court that suit against defendant No.8-Gurmail Singh had been withdrawn before the trial Court and thereafter, appeal against Kulwant Raj Kaur and Sarina-defendant Nos. 1 and 2 had been withdrawn before the Ist Appellate Court.

Since the main relief was sought against defendant Nos.1 and 2 namely Kulwant Raj Kuar & Sarina and appeal qua them had been withdrawn before the Ist Appellate Court itself, the present regular second appeal against the other defendants-respondents is not maintainable as no relief is being sought against them.

Resultantly, the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

20.03.2015
ajp