

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2560 of 2015 (O&M)
Date of Decision.03.09.2015

Afsar

.....Appellant

Versus

Daulat and others

.....Respondents

Present: Mr. Amit Kashyap, Advocate for
Mr. Rajinder Goyal, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

C.M. No.6624-C of 2015

For the reasons stated in the application, delay of 10 days in
refiling the second appeal is condoned.

Application is allowed.

C.M. No.6625-C of 2015

For the reasons stated in the application, delay of 5 days in
filing the second appeal is condoned.

Application is allowed.

RSA No.2560 of 2015

1. The plaintiff is the appellant before this Court. The plaintiff had filed the suit for decree for permanent injunction restraining the defendants from dispossessing the plaintiff from the suit property illegally. The property was said to be situate in khasra No.646.

The plaintiff claimed himself to be co-owner of property with others and

the defendants were claiming to be the owner of the property in the adjacent property in khasra No.645. The local commissioner had been appointed to demarcate the respective areas of entitlement and the location of the property in khasra Nos.645 and 646. The report made evident that there had been an encroachment of the property of an extent of 40'x2' which was actually a part of khasra No.645. The Court observed that there had been a mistake with reference to khasra number but the identity of the property was clear and in yet another suit which was a contemporaneous action where the plaintiff and the defendants were parties in a case titled "Ram Nath Vs. Ram Pal and another in Civil Appeal No.84 of 2014, the Court had found that the plaintiff had actually encroached upon portion of the property covered 40'x2' in khasra No.645 belonging to the present defendants. The Court had found that the plaintiff had himself caused an encroachment in different property and the relief of injunction which he was seeking for was not justified.

2. I do not find that there is any substantial question of law for consideration and I hold that the Courts below have considered the matter correctly and appropriately. The second appeal is dismissed.

(K. KANNAN)
JUDGE

September 03, 2015
Pankaj*