

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 6803-C of 2015 in/and
RSA No. 2700 of 2015 (O/M)
Date of decision : 22.12.2015
..... Appellant

Surinder Pal

Versus

Parmodh Kumar and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vijay Rana, Advocate, for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

CM No. 6803-C of 2015

This is an application for condonation of delay of 14 days in refiling the present appeal.

For the reasons mentioned in the application, which is supported by the affidavit of the clerk of the learned counsel for the applicant-appellant, the delay of 14 days in refiling the present regular second appeal is condoned.

Application is accordingly disposed of.

Main case

Impugned in the present regular second appeal is the judgment and decree dated 30.10.2014, passed by the learned Additional District Judge, Jalandhar, affirming the judgment and

RSA No. 2700 of 2015 (O/M)

decree dated 30.1.2014, passed by the learned Civil Judge (Junior Division), Phillaur, vide which the suit of the plaintiff (appellant herein) for permanent injunction, was dismissed with costs.

Briefly stated, the appellant/plaintiff had filed a suit for permanent injunction on the basis of possession. The same was dismissed by the Court below.

I have heard the learned counsel for the appellant and have also carefully gone through the file.

It is contended on behalf of the appellant/plaintiff that earlier the plaintiff had obtained a decree for permanent injunction against defendants regarding suit property from the Court of the then learned Civil Judge (Junior Division), Phillaur, on 14.3.2002 in Civil Suit No. 76 of 1999 titled as Surinder Pal Versus Parmod Kumar. Now, both the Courts below have held that the appellant/plaintiff has failed to prove his possession over the shop, which has fallen. Leaving aside the findings, it comes out that the appellant/plaintiff had already obtained a decree for permanent injunction. Therefore, fresh suit for permanent injunction is not maintainable. There is no ground to interfere in the concurrent findings recorded by both the Courts below. Hence, the present regular second appeal is dismissed.

22.12.2015
sjks

(KULDIP SINGH)
JUDGE