

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

**Regular Second Appeal No.1203 of 2014 (O&M)
Date of Decision: November 16, 2015.**

Ram Kishan and another

.....APPELLANT(s).

VERSUS

Sanjiv Kumar and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amarjit Markan, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

Learned counsel for the appellants argues that the suit land measuring 3 kanal 19 marlas is part of khasra No.662 (36 kanal 12 marla) owned by Khakroban Majri Society. Earlier, a suit qua this land was filed against Lal Chand and Banarsi Dass which was decreed. In regular second appeal bearing RSA No.1189 of 1990 against the society and the other filed by the Society bearing RSA No.1204 of 1990 pending in this Court, an injunction order was passed restraining the defendants-respondents in that case from raising any construction.

The instant suit, though was filed by Ram Kishan appellant claiming himself to be President of the society but in the head note, the society was not impleaded as party. In para 1 of plaint, it was mentioned that

he is filing the suit being President of the society, however, it is not apparent from the plaint that appellant was duly authorized by the society to file the suit through any resolution or authority letter.

In view of the above lacuna, learned counsel for the appellants seeks permission to withdraw this appeal with liberty to Khakroban Majri Society to separately pursue the claim against the defendants

On perusal of the paper book, judgments and record of the Courts below, copies of which have been made available by learned counsel for the appellants during the course of arguments, I find that Khakroban Majri Society has not filed the instant suit or even it is not alleged that suit has been filed by plaintiff under the authority given by the society. This appeal is allowed to be withdrawn. However, the society i.e. owner of the suit land will be at liberty to file separate suit and pursue all other legal remedies available to it and nothing observed in this case by the Courts below shall have any bearing on the merits of that suit.

November 16, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE