

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

RSA No.5931 of 2015 (O&M)

Date of decision : 04.12.2015

Gurpreet Singh

...Appellant

Versus

Mohinder Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. D.K. Bhatti, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

CM No.14792-C of 2015

Prayer in the application is for condonation of delay of 10 days in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 10 days in filing the appeal is condoned.

Application is allowed.

Main Case

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of fact, whereby plaintiff had sought the injunction against the brothers and neighbours from forcibly dispossessing and

disconnecting the electric meter, electric wires withholding of electric supply, use of water connection tap, sewerage, and essential amenities attached to the house property also from the portion in his occupation as shown red in the site plan attached to the house No.10569, Haibowal Kalan, Ludhiana except in due course of law.

Mr. Bhatti, learned counsel appearing on behalf of appellant-plaintiff submits, that it is unfortunate that son has been constrained to approach the Court against the father seeking injunction as he alongwith his wife and two daughters living in the back portion of the house which is one room. Both the Courts below have not appreciated the fact that the defendants have admitted the possession of appellants. At least should have granted the injunction by giving liberty to the respondent-defendant No.1 to seek the possession in accordance with law.

I have heard learned counsel for the appellant and appraised the paper book.

During the course of hearing, he has also brought to the notice of this Court that the respondent No.1 had initiated the proceedings by making complaint to the District Magistrate under Chapter 5 of the Maintenance and Welfare of Parents & Senior Citizens Act, 2007 and sought possession in accordance with law, and the order has been passed. In my view, once the remedy of law has been taken, respondent has been seeking the possession of suit property vide order of District Magistrate which has attained finality and the same has also received accord of this Court in CWP No.24508 of 2015 filed at the instance of the appellant-plaintiff.

In view of such position, possession of the appellant-plaintiff is illegal and, therefore, cannot even seek indulgence of this court seeking protect possession.

Both the Courts below have found that it is the respondent No.1 who is owner of the property he can deal with the property in the manner and mode he wants to.

I do not intend to differ with the findings rendered by both the Courts below, which are based upon appreciation of both oral and documentary evidence, much less, no substantial question of law arises for determination.

Accordingly, appeal is dismissed.

04.12.2015

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**(AMIT RAWAL)
JUDGE**