

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 3429 of 2014
Date of decision : January 13, 2015

Roshan Lal

..... Appellant

Versus

Anju

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pritam Singh Saini, Advocate
for the appellant.

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?

Amit Rawal, J (oral).

This Regular Second Appeal is directed against the the judgment and decree of the lower appellate court whereby the suit of the appellant-plaintiff seeking permanent injunction against the defendant has been dismissed.

Learned counsel for the appellant-plaintiff contends that the trial court while rendering a finding of fact in favour of the appellant-plaintiff restrained the defendants from interfering in peaceful possession of the appellant-plaintiff. Be that as it may, the appellant-plaintiff has failed to prove on record any documentary evidence to show that he has been in exclusive possession of the portion alleged to have been purchased vide sale deed dated 25.4.2005. The suit exfacie was barred under the provisions of

Section 41 (h) of Specific Relief Act, 1963 and the remedy, if any, was to seek partition of the joint property as admittedly the parties to the *lis* are co-owners.

The lower appellate court recorded a finding of fact based on law and oral/documentary evidence. No fault can be found with the finding rendered by the lower appellate court.

No substantial question of law arise for determination by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 13, 2015
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