

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

Regular Second Appeal No.4767 of 2014 (O&M)
Date of decision: 12.08.2015

Amar Nath

... Appellant

versus

Ram Kumar and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Manhas, Advocate,
for the appellant.

K.Kannan, J. (Oral)

The plaintiff, who could not explain what was a proportionate share in the shamlat land that he purchased, was favoured only with a relief of injunction in respect of property that had no reference to any proportionate cut. The defendant had remained ex parte and the plaintiff wanted therefore the court to grant a decree as prayed for, irrespective of whether he has established his case or not. The decision was confirmed in appeal. I find no error in the approach of the two courts below for the fact that the defendant remained ex parte shall be no guarantee for a plaintiff to secure a decree for all the reliefs that he has prayed for. He is bound to convince the court that the decree is supported adequately by the documents and pleadings. I am not empowered any better than how the courts below dealt with the issue of inadequacy of

proof of the plaintiff's entitlement. I make no interference with the judgments of the courts below, confirm the same and dismiss the appeal as not involving any substantial question of law.

(K.KANNAN)
JUDGE

12.08.2015
sanjeev