

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 5183 of 2014 (O&M)
Date of decision: 12.5.2015

Waryam Singh

.. Appellant

v.

Rattan Chand and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Rajesh K. Dadwal, Advocate for the appellant.

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Rajesh Bindal J.

The plaintiff is before this court against the judgment and decree of the learned lower appellate court, whereby that of the trial court was reversed and the suit for permanent injunction filed by him, was dismissed.

The appellant approached the court seeking relief of permanent injunction restraining the respondents-defendants from raising any construction on the suit land measuring 15 marlas. In the suit, the defendants filed counter-claim. The trial court decreed the suit for injunction filed by the appellant, whereas dismissed the counter-claim. The respondents filed appeal against the rejection of their counter-claim, in which the appellant filed cross-objections. While accepting the appeal filed by the respondents, the lower appellate court dismissed the suit filed by the appellant, vide judgment and decree dated 7.7.2014, which have been impugned in the present appeal.

A perusal of the judgment and decree of the lower appellate court shows that no doubt, the appellant had proved the sale-deed on record, vide which he had purchased 15 marlas of land, however, with a view to

claim the relief of permanent injunction, he had to plead and prove that there was a cause of action that respondents-defendants were trying to disturb the possession of the appellant-plaintiff by raising the construction or otherwise. The lower appellate court found that there was nothing either in the pleadings or in the evidence led by the appellant as to when the respondents-defendants tried to disturb possession of the appellant-plaintiff on the suit land. In the absence thereof, no case for grant of injunction was made out, there being no cause of action. Learned counsel for the appellant has not been able to point out either in the pleadings or in the evidence led that specific details had been furnished regarding the date, time or the manner in which possession of the appellant was sought to be disturbed by the defendants. In the absence thereof, in my opinion, no error has been committed by the lower appellate court in dismissing the suit for injunction filed by the appellant.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

12.5.2015
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