

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 5793 of 2014 (O&M)
Date of Decision : 08.12.2015

Mangat SinghAppellant

Versus

Dewan SinghRespondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjiv Pabbi, Advocate
for the appellant.

Surinder Gupta, J.

This is second appeal by defendant-Mangat Singh (appellant) against judgment of the Court below whereby suit filed by plaintiff-Dewan Singh seeking the relief of permanent injunction to restrain the defendant from interfering in the suit land measuring 23 *kanals* 7 *marlas*, as fully described in the headnote of plaint, was decreed.

Defendant-appellant is alleging the agreement dated 27.12.2007 to sell the suit land in his favour executed by plaintiff-respondent. He is not denying possession of plaintiff over the suit land. Rather in the suit for specific performance he has sought relief of possession. The suit filed by defendant has been dismissed and he has been allowed alternate relief. First appeal against that judgment has also been declined and RSA No. 3523 of 2014 is pending. Even if the relief of specific performance of agreement dated 27.12.2007 is allowed and the suit of appellant is decreed, still he will seek possession only on compliance of terms of the decree.

On perusal of judgments passed by the Courts below I

find no legal or factual infirmity therein calling for any interference. No substantial question of law, requiring determination arises in this appeal, which has no merit.

Dismissed.

December 08 2015
jk

(SURINDER GUPTA)
JUDGE