

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

RSA No.5806 of 2014 (O&M)

Date of Decision: October 08, 2015

Balkar Singh

.... Appellant

vs.

Smt. Raghvir Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Harsharn Singh Bajwa, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

CM-13770-C-2014

There is delay of 175 days in filing the present appeal.

For the reasons mentioned in the application supported by an affidavit, delay of 175 days in filing the present appeal is condoned subject to all just exception.

Application stands disposed of.

RSA-5806-2014

The appellant, who was defendant No.2 before the lower court has filed this appeal against the judgment and decree dated 19.12.2013 passed by learned Addl. District Judge (Adhoc), Fast Track Court, Hoshiarpur, affirming the judgment and decree dated 17.02.2010 passed by learned Civil Judge (Jr. Divn.), Dasuya, vide which the suit of the plaintiff for separate possession by way of partition was dismissed.

It comes out that the suit of the plaintiffs was dismissed. The present appellant, who was defendant No.2 before the lower court had not filed any counter claim before the lower court. Therefore, he has got no right to file the regular second appeal against the judgments of both the courts below dismissing the suit. Therefore, the present appeal is a frivolous litigation and is dismissed with costs of ₹50,000/- to be deposited in the High Court Services Committee of this Court.

October 08, 2015
sarita

(KULDIP SINGH)
JUDGE