

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

204

Regular Second Appeal No.1347 of 2013 (O&M)
Date of Decision: January 20, 2016

Ravi Inder Singh Sidhu

...Appellant

Versus

Raj Rani and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kunal Mulwani, Advocate
for the appellant.

Mr. C.M. Munjal, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 10.12.2015, when the case was taken up for hearing,
following order was passed:-

“Learned senior counsel for the appellant has argued the case at length but has only insisted upon the observations of the learned Appellate Court in para 48 of the judgment on page 65 of the paper book, where it has been mentioned as follows:-

“The learned trial court has rightly held that plaintiff has failed to prove that encroached area is part of House No.947 or that the construction over the said property was raised by the defendants after filing of suit”.

He contends that as regards the portion that the construction over the said property was raised by the defendants after filing the suit, is correct but the portion prior thereto as mentioned in the line, would effect his declaration suit which has been preferred by him and is pending before the Appellate Court. Referring to the trial Court judgment, he states that there is no such finding recorded by the learned trial Court.

Notice of motion to this limited extent only, for 13.01.2016.

Dasti only”

Counsel for the respondents very fairly stated that the aforesaid

finding may not be treated to effect the declaration suit which has been preferred by him, rather he states that the said declaration suit has nothing to do with the said finding.

If that be so, the observations and the contentions as raised by the counsel for the appellant is accepted. It is stated that the findings of the learned Lower Appellate Court as reproduced and recorded in the order dated 10.12.2015 above, will not effect the declaration suit which is stated to have been filed by the appellant.

The appeal stands disposed of with above observations.

In the light of the disposal of the appeal, all the pending applications stand disposed of.

January 20, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE