

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.2535 of 2016 (O&M)

Date of Decision: September 30th, 2016

Seeta Devi

...Appellant

Versus

Avtar Singh alias Tari

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Manmeet Singh Rana, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Learned counsel for the appellant submits that the appellant is not aggrieved of the dismissal of the appeal filed against the judgment and decree of the trial Court whereby the suit was partly decreed and the defendant was restrained from interfering with the religious places known as Dudahdhari Dera Sant Baba Baru Dass Ji also known as Takkia Laddi Shah etc. and as well as for damaging and alienating the same in any manner, situated at Sabji Mandi, Road Rahon inside the lal lalkeer, Tehsil and District Nawanshahr.

He further submits that the appellant-plaintiff is daughter-in-law of Baba Baru Dass and in case an occasion arises for seeking declaration, the finding of the Lower Appellate Court that the appellant-plaintiff has miserably failed to prove the ownership, would not come in her way.

I have heard the learned counsel for the appellant-plaintiff and

appraised the paper book.

Once the suit was for injunction, therefore, there was no need to give finding by the Lower Appellate Court qua ownership. The appellant-plaintiff is not aggrieved qua granting of injunction, though wanting, but for other relief, in the backdrop of the matter, the finding given by the Lower Appellate Court in the penultimate paragraph “that the appellant has miserably failed to prove her ownership” is hereby held to be obiter as in a suit for injunction, the finding of ownership could not have been there.

With the aforementioned observations, appeal stands disposed of.

September 30th, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No