

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

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**RSA No. 580 of 2013 (O&M)
Date of Decision: September 02, 2016**

SWARUP SINGH

-APPELLANT

VS

RAJENDER SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Anand Singh, Advocate
for the appellant.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiff is in second appeal against concurrent judgments and decrees passed by the Courts below. Suit for possession with consequential relief of permanent injunction was filed by the plaintiff-appellant on the basis of oral partition between the parties. Concededly, a suit for partition was filed subsequently which has already been decreed. Stand of the plaintiff with regard to oral partition stood negated with the decretal of the suit for possession by way of partition between all the parties. The title of the parties cannot be appreciated in the present appeal arising out of suit for possession and consequential relief of permanent injunction, once partition based on title and entitlement already stood decided by the competent Court. The factum of alleged resjudicata vis-a-vis existence of gate cannot be answered in these proceedings.

Learned counsel could not point out any infirmity or misreading of evidence by the Courts below or any perversity in the approach of the Courts while deciding the *lis* between the parties.

No substantial question of law worth consideration is involved in the present appeal and the same is accordingly dismissed in limini.

CM-1641-C-2013

Since the appeal is dismissed on merits, passing of any order on application under Section 5 of Limitation Act is inconsequential and the same is accordingly disposed of.

September 02, 2016

jyoti Y.

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No