

RSA No.3120 of 2016

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

RSA No.3120 of 2016 (O&M)

Date of decision:15.07.2016

Sukhmander Singh

...Appellant

Vs.

Karamvir Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Baltej Singh Sidhu, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Appellant-defendant is aggrieved of the judgment and decree rendered by the Lower Appellate Court decreeing the suit seeking permanent injunction against him from forcible interference and dispossession.

Mr. Baltej Singh Sidhu, learned counsel appearing on behalf of the appellant-defendant submits that the trial Court dismissed the suit by holding that plaintiff has failed to prove the possession as already decree of possession has been obtained by the defendant on the basis of the ownership and the execution is pending and submits that Lower Appellate Court should not have interfered with the positive and cogent findings rendered by the trial Court and thus, urges this Court to formulate the substantial

questions of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant-defendant and appraised the judgments and decrees of the Courts below and of the view that once the appellant has already obtained a decree of possession, the respondent-plaintiff cannot be dispossessed except in due course of law. By seeking a decree of possession, there is admission on behalf of the appellant with regard to un-authorized possession. Even the Lower Appellate Court has also not granted the permanent injunction, it is only except in due course of law on the basis of which the property has to be partitioned. I am of the view that the said judgment and decree is most innocuous which does not affect the legal rights of the appellant.

No ground is made out for interference, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

July 15, 2016
savita