

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-5713-2016(O&M)

Date of decision : 10.11.2016

Balbir Singh

... Appellant

Versus

Piara Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

AMOL RATTAN SINGH, J.(ORAL)

By this appeal, the appellant challenges the judgments and decrees of the courts below, by which the suit of the appellant-plaintiff, seeking permanent injunction against the respondents-defendants from interfering in his possession over the suit property was dismissed, and the first appeal was also dismissed.

Other than the fact that the learned lower appellate court has recorded a finding that the suit property was jointly held by the appellant-plaintiff and the respondents-defendants, with partition proceedings ongoing but not finalised and as such permanent injunction against a co-sharer could not be granted, there is also seen to be a delay of 2365 days in re-filing the appeal.

In view of the aforesaid delay of about 6 years, as also the finding given by the courts below with regard to the parties being co-sharers

judgments of those courts.

Therefore, finding no merit in the appeal, it is dismissed in *limine but* with no order as to costs.

(AMOL RATTAN SINGH)
JUDGE

November 10, 2016.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No