

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

RSA No.673 of 2016 (O&M)

Date of Decision.07.10.2016

Har Kaur and others

.....Appellants

Vs

Chand Singh

.....Respondent

Present: Mr. M.S. Talwar, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.13756-C of 2016

For the reasons stated in the application, delay of 42 days in filing the restoration application is condoned.

Application is allowed.

C.M. No.13757-C of 2016

For the reasons stated in the application, order passed by this Court on 26.07.2016 is recalled and the second appeal is restored to its original number.

Application is allowed.

RSA No.673 of 2016

The appellants-defendants are aggrieved of the concurrent finding of fact whereby injunction in favour of the respondent-plaintiff against forcible dispossession has been granted.

Mr. M.S. Talwar, learned counsel appearing for the appellants submits that the respondent-plaintiff sought injunction on the basis of the khasra girdawari which was ultimately corrected. No doubt they have been

indefinite period as no injunction against the true owner can be granted, thus, urges this Court for setting aside the judgments and decrees passed by the Courts below by formulating the substantial questions of law as drawn in the memorandum of appeal.

I have heard learned counsel for the appellants, appraised the paper book and of the view that once the defendants admitted the illegal possession of the respondent-plaintiff, which is long and settled, nothing prevented them to seek the remedy in accordance with law. Injunction is granted only to the aforementioned limited extent. The possession of the respondent-plaintiff is protected in view of the long and settled possession.

For the foregoing reasons, I do not intend to differ with the findings rendered by the Courts below as the same are based upon correct appreciation of oral as well documentary evidence, much less, no substantial question of law arises for consideration. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

October 07, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No