

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

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Regular Second Appeal No.721 of 2016 (O&M)
Date of Decision: February 15, 2016

M/s Abdul Majid Abdual Rashid, U.P. Fruit Company and others

...Appellants

Versus

Abdul Latif and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anil Kumar Garg, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the preliminary decree dated 10.05.2013 passed by the Additional Civil Judge (Senior Division), Malerkotla and the judgment dated 01.12.2015 passed by the Additional District Judge, Sangrur, on an appeal preferred by the appellants-defendants, whereby the appeal has been dismissed.

2. The first argument which has been raised by learned counsel for the appellants is that single suit was not maintainable qua the two shops and two suits would have been filed.

3. This contention of the counsel for the appellants cannot be accepted as admittedly in both the shops the respondent-plaintiff is a shareholder to the extent of 1/7th share and, therefore, single suit would be maintainable and it would be in the interest of justice to avoid multiplicity of the litigation that the present suit has been filed and entertained by the Courts below.

4. His further contention is that the decree, as has been passed by the Courts below are not clear and specific as to whether the

respondent-plaintiff is entitled to a share in each of the shops or in one specified shop.

5. A perusal of the orders would show that it is not in dispute that the respondent-plaintiff is a shareholder to the extent of 1/7th in each of the shops and, therefore, at the time of passing of the final decree, the same will be determined by the Courts as per the decree. There is no illegality in the orders which would call for any interference.

6 Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

7. No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

8. In the light of the dismissal of the appeal, the application for stay i.e. CM No.1972-C of 2016, stands disposed of as infructuous.

February 15, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE