

RSA No. 804 of 2015

Date of Decision: 9.2.2016

Rup Chand

---Appellant

versus

Pawan Kumar and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amit Kumar Jain, Advocate
for the appellant

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

Rekha Mittal, J.

The present Regular Second Appeal lays challenge to the consistent findings recorded by the Courts below whereby the suit filed by the respondent for permanent injunction against forcible dispossession in respect of House No. 2785, Housing Board, Jind has been decreed by the trial Court and the findings recorded by the trial court have been affirmed in appeal.

Counsel for the appellant has submitted that the findings recorded by the Courts below are erroneous and illegal when otherwise, the respondent has neither proved the agreement to sell nor the Will purported to be executed in his favour by Sh. Ved Prakash (since deceased), grandfather of the respondent. It is further argued that as possession of the respondent is not based upon any legal foundation, the Courts below have

committed a serious error in accepting his claim.

I have heard counsel for the appellant and perused the record particularly the judgments passed by the Courts below.

It is an admitted position of the case that the respondent is in possession of the suit property and the present appellant has already filed a suit for possession. That being so, no error much less illegality can be found in the findings recorded by the Courts below that the appellant is not entitle to interfere in possession of the respondent except in due course of law.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in limine.

(Rekha Mittal)
Judge

9.2.2016
PARAMJIT