

RSA-3833-2014(O&M)

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IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-3833-2014(O&M)

Date of decision : 26.02.2016

Jasbir and others

... Petitioners

Versus

Sunita Devi and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Aman Pal, Advocate
for the petitioners.

REKHA MITTAL. J.(ORAL)

CM-8914-C-2014

Prayer in this application is for condoning delay of 49 days in re-filing the appeal.

In view of the averments made in the application supported by an affidavit of one of the appellants, the application is allowed and delay of 49 days in re-filing the appeal stands condoned.

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The present appeal lays challenge to consistent findings recorded by the Courts below whereby the suit filed by the respondents for grant of permanent injunction against interference in peaceful possession of the respondents and other co-sharers has been decreed by the learned trial Court and the judgment and decree passed by the trial

Court has been affirmed in appeal.

Counsel for the appellants would contend that the appellants have no grievance to express in regard to grant of injunction in favour of the respondents but they have an apprehension that in case observations made by the Court in appeal in respect of sale deeds Ex.P2 & P3 are allowed to stand, it may cause prejudice to their rights, in the suits filed to challenge legality, correctness and authenticity of the sale deeds. It is further submitted that as neither party laid challenge to the sale deeds in the present proceedings, observations made by the appellate Court qua the sale deeds should not be allowed to enure to the benefit of the respondents.

I have heard counsel for the appellants and perused the records.

The respondents filed a suit for injunction restraining the defendants from interfering in their peaceful possession on the premise that they along with other co-sharers are in peaceful possession of the said land. It is further averred that Neelam-defendant No.4, a co-owner in the suit land, has transferred her share vide two sale deeds dated 06.02.2002 and 30.12.2004 executed in favour of plaintiff No.2 and plaintiff No.1 respectively. It is proved on record that a separate suit has been filed by Neelam to assail the sale deeds purported to be executed by her.

As the plaintiffs filed a simpliciter suit for injunction qua their possession of the suit land and the sale deeds in question are the

subject matter of challenge in another suit pending between the parties, any observation made by the appellate Court qua the sale deeds would not cause prejudice to rights of either party in the said suit.

No other point has been raised.

With these observations, the appeal stands disposed of.

(REKHA MITTAL)
JUDGE

February 26, 2016.
Davinder Kumar