

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

**RSA No.3269 of 2012(O&M)
Date of Order: 19.09.2017**

Harjit Singh

..Appellant

Versus

**Sanatan Dharam Mahavir Dal Management Committee,
Banur.**

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the appellant.

Mr. Munish Jolly, Advocate,
for respondent no.1.

Mr. Pawan Sharda, Sr. DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

Plaintiff is in regular second appeal against concurrent findings
of fact arrived at by the Courts below.

This is a classical case of abuse of the process of Court.

Plaintiff and his family have indulged in unnecessary litigation
just to keep the possession of the property.

Defendant had initially filed eviction proceedings against father
of the plaintiff i.e. Wazir Singh under Section 13 of the East Punjab Rent
Restriction Act, 1949. Father of the plaintiff was evicted and possession
was handed over, however, father of the plaintiff challenged the aforesaid
eviction decree by way of a separate suit.

The aforesaid suit was also dismissed. Father of the plaintiff
failed upto the High Court in RSA No.2251 of 1980.

Father of the plaintiff once again filed a suit for declaration by impleading Union of India, Rehabilitation Department and thereby claimed his title. In that suit also father of the plaintiff failed and the suit came to be decided on 19.11.1987. Appeal was also dismissed vide order dated 06.10.1993. Thereafter, there has been certain more litigation between the parties.

Plaintiff had filed a suit for permanent injunction claiming that his uncle had been allotted a plot measuring 388 square feet vide allotment letter dated 09.02.1967.

Wazir Singh failed in three rounds of litigation. Now the plaintiff (son of Wazir Singh) has come forward. There is a concurrent findings of fact that the property in dispute is the same, which is not shown to be erroneous.

In view of what has been recorded hereinabove, the appeal filed by the appellant is dismissed, with costs of Rs.50,000/-. The cost of Rs.50,000/- be deposited with the High Court Legal Services Authority.

September 19, 2017
nt

(ANIL KSHETARPAL)
JUDGE

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