

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.9506-C of 2017 in/and
RSA No.5557 of 2015 (O&M)
Date of Decision: 08.08.2017

Ram Singh

... Appellant

Versus

Rattan and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Satbir Rathore, Advocate,
for the applicant-appellant.

RAJIV NARAIN RAINA, J.(Oral)

When this matter came up for hearing on April 28, 2016 this
Court passed the following order:-

“The appellant claims ownership and possession of land measuring 1 kanal 12 marlas bearing khasra No.22/1/2. Both the Courts have found him to be in possession of the land of plaintiff but the appellant is challenging the demarcation report, whereby he was found in possession of the suit land.

Learned counsel for the appellant submits that the demarcation, which was conducted prior to filing of the suit in the absence of appellant, was not as per rules. The appellant is directed to place on record affidavit that he will relinquish the possession of land more than 1 kanal 12 marlas owned and possessed by him, if found in his possession.

List on 12.08.2016.”

The order has not been complied with. This means that the
appeal is not being prosecuted in a bona fide manner and for just purposes.

This was a fatal to the case that the main appeal should be dismissed.

The main appeal is dismissed *in limini* and accordingly the application also.

(RAJIV NARAIN RAINA)
JUDGE

08.08.2017
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Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*