

IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

Anuradha  
2017.08.09 12:54  
I attest to the accuracy and  
integrity of this document

101

RSA-703-2015

Decided on : 8.8.2017

PARSINI

....APPELLANT

VS

BAKSHA THOROUGH LRS. GURNAM SINGH AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Dinesh Nagar, Advocate  
for the appellant.

\*\*\*\*

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent order/judgment of the Courts below dismissing the suit of the appellant wherein she claimed a declaration that she was owner in possession of the land in dispute.

Apart from the other merit of the controversy, it is not disputed before me that during the pendency of the present suit to respondent had obtained the decree for permanent injunction restraining the appellant from dispossessing her and that decree was allowed to become final by the appellant. Once that was so it would have to mean that appellant had accepted that the respondent was in the possession of the land and in that scenarios the suit for declaration that she was owner in possession would not lie. It may also be mentioned here that originally the appellant had claimed possession also but had amended the plaint to give up her claim for possession and sought a declaration that she was owner in possession.

In this view of the matter, no question of law arises.

Consequently, appeal stands dismissed.

8.8.2017  
anuradha

(AJAY TEWARI)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |