

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

**RSA No. 2313 of 1994 (O&M)
Date of Order:04.05.2018**

Basanti Devi

..Appellant

Versus

Smt. Kavita and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Yogesh Goyal, Advocate,
for the appellant.

Mr. S.C.Chhabra, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J (Oral)

Plaintiff-appellant is in the regular second appeal against the judgments passed by the courts below.

Plaintiff filed a suit for permanent injunction. The suit was dismissed under Order 17 Rule 3 of the Code of Civil Procedure as the plaintiff did not lead any evidence. Last opportunity was granted subject to the payment of costs. Even the cost was neither paid nor tendered. The learned trial court has noticed that payment of cost was condition precedent for further prosecution of the case. Hence, the suit was dismissed after having remained pending for almost two years. Appeal was also dismissed.

Keeping in view that the plaintiff has failed to lead evidence and the suit was only for grant of injunction, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by

the courts below.

The regular second appeal is dismissed.

May 04, 2018
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(ANIL KSHETARPAL)
JUDGE

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