

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

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**RSA No.4468 of 2012 (O&M)
Date of Decision : 23.01.2018**

Jagraj Singh (now major) son of Mela Singh

..... Appellant

Versus

Jagjir Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Gaurav Singla, Advocate
for the appellant.

None for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The appellant had filed a suit for declaration and permanent injunction on the ground that the respondents No.1 and 2 had sold 8 kanals land to him and that he was in possession thereof and sought an injunction that the respondents No.1 and 2 be restrained from interfering in his possession over the land in dispute.

During the trial of the case it transpired that that very land had been mortgaged by another co-sharer of the respondents No.1 and 2 in favour of Primary Land Mortgage Bank Sunam.

Both the Courts below found that the mortgager-co-sharer and the mortgagee-bank were necessary parties and the suit could not proceed in their absence and dismissed the same.

Counsel for the appellant has now been able to show me how this suit was competent without impleading the mortgager-co-sharer and the mortgagee-bank.

In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

23.01.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No