

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

**RSA No.1830 of 2016 (O&M)
Date of Decision.21.11.2018**

Raj Kumari

...Appellant

Vs

Kamla Devi

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Dheeraj Mahajan, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-defendant has not been successful in defending the suit for injunction from forcible interference and dispossession, except in due course of law.

The plaintiff alleged to be in possession of the suit land on the basis of agreement to sell dated 02.05.2011 executed by Sandhya Rani and Anita Kumari.

The trial Court decreed the suit on the basis of admission of the defendant and affirmed by the lower Appellate Court.

It is strange that despite the aforementioned admission, defendant assailed judgment and decree of the trial Court before the lower Appellate Court and having not been successful, approached this Hon'ble Court. The innocuous decree of injunction from forcible dispossession and interference even in the absence of expression "due course of law" would not make any difference, as once the defendant had set up a title, which was not subject matter of issue in the suit for injunction, he shall be at liberty to seek possession in accordance with law, particularly, when possession of the plaintiff over the suit

property was candidly admitted by the defendant.

As an upshot of my finding, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 21, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No