

RSA-1512 of 2015 (O&M)
Date of Decision: 16.3.2018

Surta Singh

---Appellant

versus

Phuman Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Munish Gupta, Advocate
for Mr. M.S. Longia, Advocate
for the appellant.

Rekha Mittal, J.

The present appeal directs challenge against concurrent findings recorded by the courts whereby suit filed by the appellant/plaintiff for grant of permanent injunction restraining the respondent/defendant from interfering in peaceful possession or dispossessing the appellant illegally and forcibly from land marked 'ABCD' shown in the site plan to the extent of 7 marlas, detailed in head note of the plaint was dismissed whereas counter claim preferred by the respondent/defendant qua land measuring 4 marlas, detailed in head note of the counter claim was allowed by the trial court and the findings recorded by the trial court have been affirmed in appeal.

Perusal of judgment passed by the Court in appeal would reveal that as the appellant did not file appeal to challenge findings of the trial court on counter claim, judgment and decree passed by the trial court allowing counter claim filed by the respondent attain finality.

Counsel for the appellant is not in a position to counter judgments of the courts by raising any meaningful arguments much less

a substantial question of law that requires to be decided after notice to the contesting party. I have gone through the judgments passed by the courts but unable to find any ground to differ with the findings recorded therein.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

16.3.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No