

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

**RSA No.5010 of 2016 (O&M)
Date of Order:11.07.2018**

Shakti Sewa Dal

..Appellant

Versus

M/s Ravi Toys and Games and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Chhabra, Advocate
for the appellant.

Ms. Deepa Jain, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Defendant no.1-appellant is in the regular second appeal against the judgment passed by the learned first appellate court decreeing the suit for permanent injunction restraining the defendants from forcibly dispossessing the plaintiff from the portion shown in red colour in the layout plan attached.

The only argument of learned counsel for the appellant is that since the defendant-appellant is owner of the property pursuant to a testamentary document, executed by the owner bequeathing the entire ground floor of the premises in its favour, therefore, the defendant-appellant is entitled to seek possession of the property in accordance with law and the aforesaid liberty has not been granted.

Learned counsel for the respondents also does not have any objection to the prayer made.

In the aforesaid circumstances, the decree passed by the learned first appellate court is modified. Defendant-appellant shall be entitled to resort to its remedy for seeking possession, in accordance with law.

Needless to say that any observations made by the court with regard to tenancy shall not be treated as final and will be decided by the competent court, if and when raised independently.

With these observations, the regular second appeal is disposed of.

July 11, 2018
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No