

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

DIWAKER GULATI
2018.09.20 11:04

RSA No. 2267 of 2017 (O&M)

Date of decision: 18.9.2018

Pawan Kumar

....Appellant

VERSUS

Pappu and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sudhir Rana, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

CM No.5532-C of 2017

Prayer in this application is for condoning delay of 58 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Pawan Kuamr, the appellant, the application is allowed. Delay of 58 days in filing the appeal stands condoned.

Disposed of accordingly.

RSA No.2267 of 2017

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for permanent injunction restraining defendants No.1 and 2 from interfering in peaceful possession of suit land or to alienate the suit property was dismissed by the trial Court and the appeal preferred by the unsuccessful plaintiff/appellant did not find favour with the Additional District Judge, Narnaul. One of the grounds on which claim of the appellant has been rejected is that defendant No.1 is in possession of the suit land and he

has raised construction of boundary wall up to the height of 12 feet. It has further been held that neither the appellant raised the plea that defendant No.1 has taken over possession during pendency of the suit nor any evidence in this regard has been adduced.

After arguing for some time, counsel for the appellant would state that the present appeal may be disposed of but without prejudice to right of the appellant to take recourse to appropriate remedy in law for possession of suit land.

Disposed of accordingly.

However, it would be open for the contesting parties to raise all available pleas if a suit for possession is filed by the appellant/plaintiff.

SEPTEMBER 18, 2018	(REKHA MITTAL)
‘D. Gulati’	JUDGE
Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No