

In the High Court of Punjab and Haryana at Chandigarh

RSA No. 2972 of 2017(O&M)

Date of Decision: 20.9.2018

Ramanand and another

---Appellants

versus

Prithvi Singh (now deceased) through LRs

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sandeep Goyat, Advocate
for the appellants**

Rekha Mittal, J.

CM No. 11463-C of 2018

Prayer in this application is for restoration of the appeal which was dismissed for non-prosecution on 16.7.2018.

Heard.

In view of averments made in the application supported by an affidavit of Sh. Sandeep Goyat, Advocate, counsel for the applicants and arguments advanced, the application is allowed and the appeal is ordered to be restored to its original number and stage and is taken on Board today itself.

Disposed of accordingly.

RSA No. 2972 of 2017

The present appeal directs challenge against the judgment and decree dated 7.11.2016 passed by the Additional District Judge, Bhiwani

whereby appeal against the judgment and decree dated 28.7.2014 passed by the trial court has been allowed, judgment and decree dated 28.7.2014 were set aside and suit filed by the respondent-plaintiff for grant of permanent injunction restraining the appellants-defendants from dispossessing him except in due course of law, has been decreed.

Perusal of the judgments passed by the Courts would reveal that there is no denial that the respondent-plaintiff is in possession of suit land and the Court in Appeal has held that possession of the plaintiff will only be taken by adopting due process of law and not otherwise. Counsel for the appellants would inform that the appellants filed suit for possession against the respondent-plaintiff and the same has been decided upto first appellate authority in favour of the appellants. That being so, I do not find any reason to intervene in the judgment and decree passed by the Court in Appeal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs. As the appeal has been decided on merits, application for condonation of delay of 30 days in refiling the appeal is of academic relevance only.

(Rekha Mittal)
Judge

20.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No