

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

RSA-3203-2017 (O&M)
Date of Decision : 10.9.2018

Teja Singh through his Mukhtiar-E-AM Raj KumarAppellant

vs.

Suresh Mittal and anotherRespondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.P.K.S.Phoolka, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM-7905-C-2017

For the reasons recorded, the application is allowed. Delay of
49 days in refiling the appeal is condoned.

Main Case

On 6.8.2018 the following order was passed :-

“The appellant had filed a suit seeking an injunction against the respondents. In that suit the respondents had filed a counter claim. The Trial Court dismissed the suit of the appellant and decreed the counter claim filed by the respondents. The appellant filed only one appeal. He has now filed this second appeal. The question is whether it was not incumbent upon the appellant to have filed two appeals, one to challenge the dismissal of his suit and the second to challenge the decreeing of the counter claim filed by the respondents. Counsel seeks a short adjournment.

Adjourned to 10.9.2018.”

Learned counsel has not been able to show that once the

counter claim filed by the respondents was deemed to be a separate suit how only one appeal could be filed against the judgment whereby his suit was dismissed and counterclaim was decreed.

Resultantly, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.9.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No