

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

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RSA-3582-2017 (O & M)
Date of Decision:01.10.2018

Raghbir Singh

...Appellant

Versus

Gurdeep Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjeet Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

There is a huge delay of 919 days in re-filing the appeal. It has been pleaded that office of the Court had raised certain objections on 16.09.2014 but the appellant did not contact the counsel for a period of more than 900 days.

In the considered view of this Court, the explanation rendered is wholly insufficient/inadequate. The huge delay of more than 900 days has not been properly explained.

Still further, this Court heard the counsel on merits. Plaintiffs-respondents is admittedly widowed daughter-in-law of a common ancestor Sarup Singh. She is praying for a decree for permanent injunction restraining the defendants from interfering in a residential portion of a house consisting of three rooms, kitchen and bathroom.

Learned First Appellate Court has held that the learned trial Court erred in refusing to grant injunction on the ground that the parties are co-sharers.

A widowed daughter-in-law has a right to protect interference in the residence in a house which undisputedly owned by common ancestor father-in-law of the plaintiff.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

01.10.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No