

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-12877-C-2018 in/and
RSA-4762-2018 (O&M)
Date of Decision : 01.11.2018

Makhan Singh & anr.

..... Appellants

Versus

Gurdial Singh & anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Rahul Verma, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

CM-12877-C-2018

For the reasons recorded, the application is allowed. Delay of
33 days in re-filing the appeal is condoned.

RSA-4762-2018

This appeal has been filed against the concurrent judgments of
the Courts below decreeing a suit filed by respondent No.1.

The case of respondent No.1 was that he was in occupation of
the land in dispute since the time of his forefathers and had built his house
and haveli therein. He sought an injunction restraining the present
appellants from interfering in his possession over the land in dispute.

The case of the appellants on the other hand was that the land
in dispute was shamlat land which the respondent No.1 had encroached
upon and rather they had complained against that illegal encroachment to

the authorities but no action had been taken on that complaint. They however admitted that they had no personal interest of the land in dispute. It is in these circumstances, that the Courts below decreed the suit for permanent injunction against the appellants restraining them from interfering in establishing possession of the land in dispute, even while leaving it open to any competent authority to take action against the respondent No.1 for his alleged encroachment in accordance with law.

Counsel for the appellants has not been able to show how the findings of the courts below are vitiated.

Appeal stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

01.11.2018

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No