

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 5612 of 2017 (O&M)
Date of Decision : 06.04.2018

Satpal Singh

....Appellant

Versus

Naib Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mrs. Gurnam Kaur Turka, Advocate
for the appellant.

Surinder Gupta, J. (Oral)

Learned counsel for the appellant submits that possession of plaintiff over the suit property is admitted. However, it has been held to be unauthorized against true owners. The defendant-respondent filed separate suit seeking the relief of possession against the plaintiff. Courts below have not looked into this aspect and avoided to allow the relief of permanent injunction to plaintiff to restrain the defendant from interfering in his possession over suit land till the suit of defendant seeking possession is decreed.

The dispute in this case is only with regard to *khasra* no. 399 (0-2) which is *gair mumkin ruri*. It is admitted that the same is ownership of defendant-respondent, who has filed separate suit seeking the relief of possession. This should have satisfied the appellant that respondent admits his possession and proceeding in due course of law to get possession under order of Court and is not going to interfere in his possession in a forcible manner. Still plaintiff is pursuing the relief of injunction against him. Both the Courts below have looked into the plea

of plaintiff and have declined to allow him relief of injunction with observation that a person in unauthorized possession is not entitled to relief of injunction. Even otherwise, it is an equitable relief and in the facts and circumstances of the case cannot be allowed to plaintiff.

I find no error with the findings of Courts below. This appeal has no merit and the same is dismissed.

April 06, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No