

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5627 of 2017 (O&M)

Date of decision: 24.07.2018

Kuldip Kaur

..... Appellant

Versus

Jaspal Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Malkeet Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court.

Plaintiff-appellant claims that she is wife of defendant No.1 and therefore, she has the right to enter in the house. It is the plaintiff's case that she was turned out from the house on 31.08.2006 and thereafter, she has been residing with her parents at Nangal Khera. The suit was filed on 29.10.2009. It is also admitted that the plaintiff is a Government teacher and does not have any child. The plaintiff has not even asserted that her husband is either co-owner or exclusive owner of the property in question. Learned First Appellate Court has examined this issue with reference to the judgment passed by the Hon'ble Supreme Court in the case of S.R. Batra and another Vs. Smt. Taruna Batra 2007(1) CCC 351.

Learned counsel for the appellant could not point out any substantive error in the judgment passed by the learned First Appellate

Court. Still further, this Court is of the view that the suit filed for relief of permanent injunction could not be maintained by a person who was out of possession for approximately three years.

In view thereof, there is no scope for interference with the judgment passed by the learned First Appellate Court.

Appeal is dismissed.

24.07.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No