

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

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**CM-15564-C-2017 in/and
RSA-5930-2017
Date of Decision : 08.08.2018**

Devi Singh

..... Appellant

Versus

Smt. Kala Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudhir Aggarwal, Advocate
for the appellant.

AJAY TEWARI, J. (ORAL)

CM-15564-C-2017

For the reasons recorded, the application is allowed. Delay of 12 days in filing the appeal is condoned.

RSA-5930-2017

This appeal has been filed against the concurrent judgments of the courts below decreeing a suit for injunction filed by the respondent.

Both the courts below held that the respondents were in possession and consequently restrained the appellant from interfering in their possession except in due course of law.

Counsel for the appellant has argued that the actual facts are that the house in dispute had come into the ownership of the appellant by way of a family settlement and the appellant permitted the predecessor-in-interest of the respondents (brother of respondents No.2 and 3) to live in one room of that house but now under the garb of this suit for injunction they were seeking to establish their possession over the entire house.

Both the courts below found that even as per the case of the appellant he was living in Delhi while his sons were in Gurgaon. Photographs were also placed on record showing the respondents in possession of the house which were admitted by the appellant. Both the courts below further held that since they were not deciding the question of title, the issue of family partition could be taken by the appellant in appropriate proceedings.

Counsel for the appellant has not been able to show me how these findings are incorrect.

Appeal is dismissed. No costs.

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

August 08, 2018
ashish

(AJAY TEWARI)
JUDGE

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