

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

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RSA-631-2017 (O & M)
Date of Decision:29.08.2018

Gopal Krishan Rampal

...Appellant

Versus

Poonam Sharma and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagneshwar Walia, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM No.1367-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 98 days in re-filing the appeal is condoned.

CM No.1368-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 54 days in filing the appeal is condoned.

Main Case

Defendant-appellant is in the regular second appeal against the judgment passed by the learned First Appellate Court decreeing the suit for injunction with respect to 6 kanals of land. Plaintiff while filing a suit had prayed that the defendants be restrained from alienating 78 kanals and 10 marlas of land apart from claiming protection of her possession with regard to 6 kanals of land. Originally property was owned by Hardit Mal, who had left behind five sons and one daughter-plaintiff/respondent. Father Hardit

Mal executed a Will in favour of the daughter on 18.02.2002. Defendants contested the suit and pleaded that Hardit Mal was not the sole owner in fact property was owned by Hardit Mal and his brother and the property is ancestral in nature.

Defendants further contested the suit on the ground that the plaintiff had divorced her first husband and even abandoned her second husband and is presently residing with Sardar Karambir Singh.

Learned First Appellate Court noticed that various co-owners have admitted that the plaintiff is in possession of the property to the extent of 6 kanals, which has been bequeathed in her favour. Even the defendant-appellant, when appeared in the First appeal, suffered a statement that the plaintiff is in possession of 6 kanals of land comprised in khasra No.14114 Sultanwind Patti Behniwal, Amritsar.

In view of the aforesaid statement, appeal filed by the appellant does not have any substance.

Hence, there is no ground to interfere.

Regular second appeal is dismissed.

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

29.08.2018
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(ANIL KSHETARPAL)
JUDGE

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