

RSA-1522 of 1999 (O&M)

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

RSA-1552 of 1999 (O&M)
Date of decision: 20.08.2019

Dhanpati and others

.....Appellants

versus

Ganga Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. S.N. Saini, Advocate, for the appellants.
Mr. Sandeep Punchhi, Advocate, for respondent No.1.

RAMENDRA JAIN, J. (ORAL)

Legal heirs of deceased Ishwar Singh have filed this Regular Second Appeal against judgment and decree of the appellate Court dated 10.02.1999, dismissing their appeal against judgment and decree of the trial Court dated 09.09.1998, whereby suit of respondent No.1 Ganga Ram for mandatory injunction was decreed in toto.

Briefly, respondent No.1 filed a suit against predecessor-in-interest of the appellants and proforma respondents No.2 to 4 for mandatory injunction to vacate his plot, which he intended to occupy just before filing the suit.

Trial Court after holding trial, decreed suit in toto vide judgment and decree dated 09.09.1998.

Being aggrieved, predecessor-in-interest of the appellants approached the first appellate Court, but remained unsuccessful as his appeal was dismissed vide judgment and decree dated 10.02.1999.

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Having heard learned counsel for both the sides, this Court finds the instant appeal completely devoid of any merit for the reasons to follow.

No question of law much less substantial has been raised in this appeal.

Predecessor-in-interest of the appellants deceased Ishwar Singh as DW1 categorically testified that he had no concern with the suit property in any manner whatsoever. Since, predecessor-in-interest of the appellants did not show or prove any concern in the suit property, therefore, appellants have no locus standi to file the instant appeal.

In view of above, this appeal is dismissed with costs.

(Ramendra Jain)
Judge

August 20, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No