

In the High Court of Punjab and Haryana at Chandigarh

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RSA No.2948 of 2019 (O&M)

Date of decision: 02.09.2019

LATE DEVI GUPTA THROUGH KRISHAN KUMAR

.....appellant

Versus

GENERAL PUBLIC

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None

RAJ MOHAN SINGH, J.(oral)

None has appeared on behalf of the appellant despite two pass overs.

The suit for permanent injunction filed by the appellant against the general public was dismissed. The plaintiff could not produce any such evidence of her possession over the suit property, despite the defendant being proceeded against ex parte on earlier occasion. The right of permanent injunction is a right in personam. In the absence of any overt act by an individual from general public, no such right can be acknowledged. The plaintiff has not disclosed any such person, who has attempted to interfere in her alleged possession. Even

no evidence of possession has been led except the bald statement. No evidence of any transaction in respect of lease amount was led and the Adhar card placed on record was in respect of Plot No. 342, Industrial Area, Phase-II, which was distinct than the suit property i.e. Plot No.343, Industrial Area, Phase-II, Sector 15, Panchkula.

In view of aforesaid factual position, I find no substantial question of law involved in this appeal.

Since, learned counsel for the appellant has not appeared, therefore, at the stage, I deem it appropriate to dismiss this appeal for want of prosecution.

Accordingly, this appeal is dismissed for non prosecution.

September 02, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No