

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3485-2013 (O&M)

Date of decision: 22.05.2019

Jagjiwan Ram

...Appellant

Versus

Ashok Kumar and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Paramjit Rajput, Advocate,
for the appellant.

Mr. R.K.Arya, Advocate,
for the respondents.

JAISHREE THAKUR, J. (ORAL)

This is a regular second appeal that has been filed by Jagjiwan Ram, the plaintiff-appellant herein seeking to challenge the judgment and decree dated 28.05.2009 passed by Civil Judge (Sr. Divn.), Gurdaspur dismissing the suit for permanent injunction restraining the defendants-respondents herein from forcibly encroaching upon the plot of the plaintiff marked A B C D E F G H as shown in the site plan measuring 01 Kanal-12 Marlas comprised in Khasra No. 208 (0-12), 352 (1-0), Khewat No. 125, situated in the revenue estate of village Bharath Qazi Chak Tehsil and District Gurdaspur and the decision of the Appellate Lower Court dated 16.07.2013 dismissing the appeal while affirming the order of the Civil

Judge (Sr. Divn.), Gurdaspur.

Notice of motion was issued in the said matter and appearance has been caused by Mr. R.K. Arya, Advocate on behalf of the defendants/respondents, who at the very outset submits that this appeal is not maintainable since the appellant had subsequently filed a civil suit for possession of the same plot along with consequential relief of permanent injunction restraining the defendants from raising any sort of construction in the plot described in the head note of the plaint. It is contended that the suit for possession stood dismissed by the Civil Judge (Jr. Divn.), Gurdaspur on 01.10.2016 and the appeal preferred already stands dismissed.

I have heard learned counsel for the parties and in view of the fact that the suit for possession itself has been dismissed along with consequential relief sought for permanent injunction restraining the defendants from raising any sort of construction in the plot which is identical to the suit property described in the instant regular second appeal, this Court is not inclined to interfere in the well reasoned judgments of the Courts below. No substantial question of law arises for consideration.

Dismissed.

22.05.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.