

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.1855 of 2016 (O&M)
Date of Decision.31.01.2019

Balwinder Singh

...Appellant

Vs

Partap Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. JPS Sandhu, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

The appellant-defendant, who has been successful in the lower Appellate Court in setting aside the judgment and decree of the trial Court granted in favour of the plaintiff, is aggrieved of the following operative part of the judgment on the ground that it was not part of the relief sought and therefore, the lower Appellate Court exceeded jurisdiction in issuing directions:-

“24. Accordingly, the impugned judgment and decree dated 03.10.2013 is hereby set aside and the present appeal stands accepted and the suit of the plaintiffs stands dismissed with costs to the effect that neither the plaintiffs nor the defendants are having any right, title and interest in the suit land, which is a Muafi land, which vests in the State through its District Collector. The District Collector is at liberty to avail the due course of law in claiming its possession. The copy of the judgment be sent to the District Collector, Tarn Taran for intimation and necessary action. Decree

sheet be prepared accordingly. Appeal lie be consigned to the record room and record of the learned lower Court be returned”

Concededly both the parties to the *lis* have neither right, title and interest in the suit land nor possessory rights. The injunction cannot be for infinite period, thus, the liberty granted is most innocuous and in accordance with law.

In view of such circumstances, I do not find any illegality and perversity in the judgment and decree of the lower Appellate Court, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 31, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No