

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

RSA No.2127 of 2016 (O&M)
Date of Decision.25.03.2019

Darshan Kumar and another

...Appellants

Vs

Anoop Kumar

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Onkar Rai, Advocate
for the appellants.

:-

AMIT RAWAL J. (ORAL)

Learned counsel for the appellants during the course of hearing repeatedly raised plea that suit was filed when defendants had already raised the construction. This Court called upon the counsel for the appellants to supply copy of the written statement and the statement was that for the last three years, he has been requesting to his clients but they have not supplied written statement. Despite this, learned counsel for the appellants argued that the suit was not maintainable as construction was already raised whereas the finding of fact says that averment was with regard to raising of the construction. It is a suit for injunction filed by the respondent-plaintiff against the appellants-defendants wherein defendants had propounded the family settlement, which, according to him, had already been effected and defendants had been in exclusive possession. Jamabandi read out in the Court established that parties to the *lis* has shares.

In view of such circumstances, I do not find any
illegality and perversity in the concurrent finding of fact, 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

March 25, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No