

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

**RSA No.3370 of 2015 (O&M)
Date of Decision.20.02.2019**

Kulwant Singh

...Appellant

Vs

Inder Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Y.P. Khullar, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

Costs of ₹2500/- has been deposited.

The short point involved in the present appeal is whether in suit seeking relief of declaration and injunction whereby plaintiff was held to be owner of the suit property by virtue of sale deed dated 02.06.1990 would be granted possession in the absence of relief, the answer would be 'no', for, the plaintiff did not claim relief of possession, which was also a primary relief along with declaration, knowing fully well that he was not in possession and sought injunction from forcible interference and dispossession. It was gamble on the part of the plaintiff, which he was not able to succeed for the purpose of injunction, though had been conferred declaratory decree of ownership. The remedy for the plaintiff in such circumstances would be to claim possession in accordance with law, if permissible and not by challenging the finding before the lower Appellate Court as well as in this Court. Even prayer for withdrawal of the suit at this stage would be a far reaching.

In view of such circumstances, I do not find any

illegality and perversity in the concurrent finding of fact and law rendered by the Courts below, 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

February 20, 2019
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No