

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

**RSA No.2933 of 2017 (O&M)  
Date of Decision.02.04.2019**

Gurinder Singh

..Appellant

Vs

Ranjit Singh and others

...Respondents

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. R.S. Chauhan, Advocate  
for the appellant.

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**AMIT RAWAL J. (ORAL)**

**C.M. No.7308-C of 2017**

For the reasons stated in the application, delay of 10 days  
in filing of the appeal is condoned.

Application is allowed.

**RSA No.2933 of 2017**

The present regular second appeal is directed against the  
concurrent finding of fact whereby suit of the respondent-plaintiff for  
permanent injunction seeking restraint from forcible interference in  
possession and dispossession has been decreed by the trial Court and  
affirmed in appeal by the lower Appellate Court.

Before Mr. Chauhan could address arguments regarding  
the merit of the case, submitted that during the pendency of the trial  
in 2013, already partition proceedings were pending and culminated  
into final order on 15.03.2017 whereas suit was decided on  
17.11.2015. The matter is pending before this Court.

The injunction granted in my view is most innocuous as

the plaintiff found to be in possession. Whatever would be the outcome of the partition proceedings subject matter of challenge before this Court, final partition can always be effected but injunction cannot be vacated in order to disrupt the possession during interregnum.

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

**April 02, 2019**  
Pankaj\*

Whether Reasoned/Speaking    Yes/No

Whether Reportable                Yes/No