

RSA-406-2017 (O&M)

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

RSA-406-2017 (O&M)

Date of decision : 02.05.2019

Mahesh Kumar

... Appellant

Versus

Nawal Singh and others

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rakesh Kumar Sharma, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

Learned counsel for the appellant submitted that the appellant-plaintiff was not successful in protecting the possession through injunction against the respondents-defendants, but now he had taken the forcible possession. In such circumstances, the relief of injunction, in the absence of mandatory injunction, cannot be entertained.

Leaving the right open to the appellant-plaintiff to take the remedy, in accordance with law, the present second appeal as well as the application seeking condonation of delay of 259 days in re-filing, are dismissed.

In view of decision taken in the main appeal, the application for bringing on record legal representatives of respondent No.2, is also dismissed.

**(AMIT RAWAL)
JUDGE**

02.05.2019
Yogesh Sharma

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No