

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

RSA No.3961 of 2014 (O&M)

Date of decision : 22.02.2019

Ramandeep @ Prince and others

...Appellants

Versus

Yash Paul and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Kulwant Kaur, Advocate for the appellants.

Mr. Rajinder Goyal, Advocate for respondent Nos.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

CM No.9147-C of 2014

For the reasons stated in the application, which is duly supported by an affidavit, delay of 148 days in filing the power of attorney on behalf of other legal heirs is condoned.

Application is allowed.

Main case

Plaintiff-appellant No.1 is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The suit property is owned by a limited company namely M/s Dynamic Enterprises Private Limited. It is being claimed by the plaintiff that late Sh. Prem Nath permitted his family members to take possession and

hence, the plaintiff claimed that he is in possession as a licensee over the property in dispute.

Both the Courts have found that the plaintiff has no right, title or interest in the property. It is also admitted by the plaintiff-appellant that the plaintiff is not in possession of the property, although, it is being alleged that the plaintiff has been dispossessed during the course of the suit. No application for amendment of the suit was filed. Since, at present neither the plaintiff-appellant is in possession nor has any right, title or interest, therefore, no relief can be granted to the plaintiff. If permissible under law, the plaintiff would be at liberty to seek possession after establishing that he has been forcibly dispossessed.

In view of what has been observed above, the present appeal is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

22.02.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No