

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

1. RSA No.4634 of 2015 (O&M)
Date of decision : 18.02.2020

Harish Kumar

...Appellant

Versus

Dosham and another

...Respondents

2. RSA No.4633 of 2015 (O&M)
Date of decision : 18.02.2020

Harish Kumar

...Appellant

Versus

Kaushal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Dhaliwal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

By this order, two appeals bearing RSA Nos.4633 and 4634 of 2015, which are connected, shall stand disposed of.

Learned counsel for the appellant, after arguing at some length, restricts his prayer by submitting that the learned Courts have erred in declaring the plaintiffs to be statutory tenants. He submits that the suit filed by the plaintiffs-respondents was only for the grant of decree of permanent

injunction restraining the defendants-appellants from interfering in their possession. Hence, he submits that such declaration is erroneous.

In second appeal bearing RSA No.4633 of 2015, the only difference is that in that case, both the Courts have decreed the suit for injunction.

This Court has considered the submissions. The First Appellate Court has only decreed the suit filed by the plaintiffs for grant of injunction on the strength of revenue record proving possession of the plaintiffs or their predecessor. Hence, the observations made by the Court while granting injunction are to be read in that context only. The appellant would be entitled to seek possession in accordance with law.

In view of the above, both the appeals are disposed of.

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

18.02.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**