

223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 3083 of 2014(O&M)
Date of Decision: 28.01.2020

Padam Paul alias Mintu

.... Appellant

Versus

Mandir Shree Dev Ji, Bhai Mool Chand Dass Sahib

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Kumar Garg, Advocate
for the appellant.

Mr. Mavpreet Singh, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellant is in regular second appeal against the concurrent finding of fact arrived at by the Courts below granting a decree for injunction to the effect that the defendant has no right to dispossess the plaintiff forcibly and illegally.

Learned counsel for the appellant submitted that the suit, as filed is not maintainable because “idol-juristic person” was not party to the suit. It is not in dispute that only decree for permanent injunction has been granted. The defendant did not object to the maintainability of the suit on this ground while filing written statement. In fact, the defendant never filed any written statement.

Keeping in view the aforesaid facts, there is no ground to interfere.

Accordingly, the present appeal is dismissed.

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

(ANIL KSHETARPAL)
JUDGE

28.01.2020

Maninder

Whether speaking/reasoned : Yes
Whether reportable : No