

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

RSA No.3468 of 2018(O&M)

Date of decision: 17.2.2020

Mahya Ram

.....Appellant

VERSUS

Shingara Ram

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Mayank Dev Singh, Advocate for
Mr. Rajinder Goyal, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against impugned judgments and decrees whereby suit for permanent injunction filed by respondent/plaintiff restraining the appellant/defendant from interfering in his possession over the suit land was decreed and counter claim filed by the appellant claiming relief of injunction by asserting his possession of the suit property was dismissed as withdrawn by the trial Court and appellant was restrained from interfering in peaceful possession of respondent/plaintiff and dispossessing him from the suit land.

Apart from the fact that appeal has been filed after delay of 127 days, the same is devoid of substance and merits outright rejection. Counsel for the appellant, in response to a query, would fairly inform that the appellant filed suit for specific performance of agreement dated 16.12.2008 in which Sardara Ram, erstwhile owner of the suit property and respondent – Shingara Ram have been impleaded as party. In the said suit, the appellant has pressed for relief of possession by way of amendment.

Meaning thereby that the appellant is not in possession of the suit property, therefore, his claim with regard to possession of suit land on the basis of aforesaid agreement to sell has rightly been negated. On the other hand, the suit property has been alienated by Sardara Singh in favour of respondent- Shingara Ram vide sale deed dated 13.02.2009 which is also subject matter of RSA No.483 of 2018. Counsel has failed to advance any arguments much less meaningful to prove that findings of the Courts suffer from any legal flaw that would call for intervention. In this view of the matter, I do not find any reason to differ with conclusion drawn by the Courts.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

FEBRUARY 17, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no