

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

Date of decision: 12.2.2020
RSA No.9821 of 2018 (O&M)

Kuldeep Singh

... Appellant

Versus

State of Haryana and ors.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sumit Gupta, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against findings recorded in suit filed by Dharam Singh and others including appellant for permanent injunction restraining the respondents/defendants from carrying out illegal and unlawful demarcation of the suit property and to restrain defendants No.4 to 8 from taking possession of the bara in dispute in an illegal and unlawful manner, which was dismissed by the trial Court, vide decree and judgment dated 26.05.2015 but counter claim filed by defendants No.4 to 8 was partly allowed to the extent that they are entitle to restoration of possession over suit land measuring 10 marlas comprised in khasra No.128 situated in village Arainpura, Tehsil Gharaunda, District Karnal. However, their claim for mesne profits was dismissed. In appeal filed by the plaintiffs including the appellant, the appeal was partly allowed and impugned judgment and decree passed by the trial Court was partly set aside. The respondents/defendants were

restrained to dispossess the plaintiffs from the suit property except in due course of law. However, the remaining relief sought by the plaintiffs was dismissed.

Apart from the fact that there is inordinate delay of 439 days in filing the appeal without making out a case that there are sufficient grounds for condoning delay, the appeal sans merit and deserves out-right dismissal.

Counsel for the appellant has failed to advance any argument much less convincing to point out an error much less perversity in the judgment passed by the Court in appeal or to prove that the same raises a question of law, that needs determination in second appeal.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

12.02.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No