

RSA-2240-2022 (O&M)

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

(111)

RSA-2240-2022 (O&M)
Date of Decision:-13.12.2022.

Harbhajan Singh

.....Appellant

Versus

Sukhwinder Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. K. K. Garg, Advocate for the appellant.

Mr. Tribhawan Singh, Advocate for
respondent-caveator.

ALOK JAIN, J. (Oral)

This is plaintiff's second appeal against the judgment and decree dated 16.09.2021 passed by the Civil Judge (Senior Division), Nihal Singh Wala and also the judgment and decree dated 06.07.2022 passed by the learned District Judge, Moga, whereby the suit for permanent injunction restraining the defendants from encroaching upon the property of the plaintiff came to be dismissed by recording concurrent findings. The sale certificates issues in favour of the respondents were upheld and after the counsel for appellant vehemently argued for some time, counsel for the respondent-caveator has submitted that no cause of action survives in the present appeal, as the possession has already been delivered.

The said statement of respondent-caveator is not opposed by

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the counsel for the appellant and, hence, counsel for respondent-caveator contends that if possession is already given, then no relief would subsist.

Accordingly, in light of the above the appellant does not wish to press the present appeal and the same is accordingly dismissed.

Pending miscellenaous applications shall also stand disposed of.

(ALOK JAIN)
JUDGE

December 13, 2022.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No