

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3785 of 2017(O&M)
Date of decision:21.03.2022

Ranjit Kaur and another

...Appellants

Versus

Subhash Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rohit Kumar, Advocate,
for the appellants.

ANIL KSHETARPAL, J (Oral)

While calling into the question the concurrent findings of fact arrived at by the Courts below, the plaintiffs have filed the present Regular Second Appeal. The plaintiffs filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in their peaceful possession over plot no.67, measuring 155 Sq. yds.

The defendants contested the suit while asserting that the plaintiffs have no right, title or interest in the suit property, as the plot in question has been purchased by them vide sale deed dated 26.08.2013.

The plaintiffs did not lead any evidence, whereas the defendant no.1 appeared as DW1.

Since, the plaintiffs did not lead any evidence, therefore, the suit was dismissed. The first appeal filed by the plaintiffs was also dismissed.

This Bench has heard the learned counsel representing the

appellants and with his able assistance perused the paper book.

The learned counsel representing the plaintiffs contends that the plaintiffs remained under an impression that the suit is at the stage of an interim injunction. He submits that the Court did not inform the plaintiffs about the stage of the suit. He further contends that the Court erred in recording the presence of the learned counsel representing them.

It is evident that the plaintiffs themselves filed a suit through a counsel, who was under responsibility to prosecute the suit. The appellants being the plaintiffs were required to be vigilant about the suit filed by them. The suit remained pending nearly for 3 years. Further, the plaintiffs failed to prove that they were vigilant in prosecuting the suit.

The learned trial court after appreciating the pleadings framed the following issues:-

- “1. Whether the plaintiff is entitled to permanent injunction as prayed for ?OPP
2. Whether the plaintiff has got no locus standi and cause of action to file the suit?OPD
3. Whether the suit is not maintainable in the present form?OPP
4. Relief.”

It is evident that the suit filed by the plaintiffs was only with regard to the grant of an injunction. The question of ownership was not required to be decided.

Further, it is evident that the proceedings recorded by the court in the daily orders are sacrosanct being part of the court record. If the plaintiffs dispute the correctness of such Court record, the remedy for the plaintiffs is to file an application before the concerned court.

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

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

March 21, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No