

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1036-1992

Date of Decision: August 28, 2023

M.C.BHATINDA Appellant
Versus
KAUSHALYA DEVI Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anurag Chopra, Advocate for appellant.

Ms. K.K. Kahlon Advocate and
Mr. A.P.S. Kahlon, Advocate for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been laid to judgments and decrees dated 18.10.1889 and 29.11.1991 passed by the Courts below, whereby suit for permanent injunction filed at the instance of respondent-plaintiff has been decreed.

2. The aforementioned judgments have been assailed by way of present appeal. While passing the aforementioned judgments, the Courts below have recorded that the appellant-defendant may prove its ownership/title and seek dispossession of respondent-plaintiff from the property in question in accordance with law.

3. Learned counsel for the appellant submits instead of passing the present appeal on merits, appropriate proceedings in accordance with law shall be initiated against respondent-plaintiff seeking her/her legal heirs' dispossession from the property in question within a period of four weeks from today, substantiating the ownership over the property in question by the appellant-defendant and during those proceedings, the possession of respondent-plaintiff shall

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not be disturbed. Needless to mention here that respondent-defendant/her legal heirs shall be at liberty to raise all pleas available to her in accordance with law in the defence.

3. Present appeal is disposed of in terms of the aforesaid stand taken by the appellant.

28.08.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>