

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

RSA-2466-2018 (O&M)

Decided on:-12.07.2023

Pritam Singh

....Appellant..

vs.

M/s Orient Craft Pvt. Ltd.

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sudhir Aggarwal, Advocate,
for the appellant.

Mr. Shailendra Jain, Sr. Advocate with
Ms. Navneet Kaur, Advocate,
for the respondent.

HARKESH MANUJA J. (Oral)

1. Challenge in the present appeal is to the judgments and decrees dated 29.01.2015 and 01.11.2017, passed by the Courts below, whereby, suit for permanent injunction filed at the instance of appellant/plaintiff stands dismissed.

2. In the present case, the appellant-plaintiff sought permanent injunction qua land owned by him, falling in khasra No.961/1, situated in the revenue estate of Village Khandsa, Tehsil and District Gurugram, with the averments that the respondent-defendant was interfering in his possession with an intent to raise construction thereupon.

3. As per learned counsel for the appellant, some construction has been raised by the respondent-defendant during pendency of proceedings

before the Courts below, though, the factum of the said construction over khasra No.961/1 has been disputed by learned counsel appearing on behalf of respondent-defendant.

4. As some construction has been raised allegedly during the pendency of the suit, learned counsel for the appellant-plaintiff wishes to withdraw the present appeal as well as civil suit for permanent injunction with liberty to file a fresh suit for possession based on title over Khasra No.961/1 situated in the revenue estate of village Khandsa, Tehsil and District Gurugram, as his ownership has not been disputed by learned counsel for the respondent.

5. As regards the aforesaid liberty, learned counsel for the respondent-defendant has no objection.

6. In view of the aforesaid, the appellant-plaintiff is permitted to withdraw the present appeal as well as suit for permanent injunction with liberty to file a fresh suit for possession based upon title over khasra No.961/1 situated in the revenue estate of village Khandsa, Tehsil and District Gurgaon, which shall be decided in accordance with law, subject to adjudication qua the issue of encroachment being independent of the findings recorded by the Courts below in the present appeal.

7. The present appeal is dismissed as withdrawn accordingly.

12.07.2023
sonika

(HARKESH MANUJA)
JUDGE

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