



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA-3559-1998
Date of decision: 18.03.2025

RAM SARUP

..Appellant

Versus

JAGMAL SINGH & ORS.

..Respondents

CR-5749-2004 (O&M)

RAM SARUP

..Petitioner

Versus

JAGMAL SINGH & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaivir Yadav, Sr. Advocate
with Ms. Parul, Advocate
for the appellant (in RSA-3559-1998)
for the petitioner (in CR-5749-2004).

Mr. Sanjay Mittal, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. On 11.03.2025, the following order was passed:-

“The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiff’s suit for grant of decree of permanent injunction. Sh. Sube Singh, Sh. Jagmal Singh, Sh. Hazari and Sh. Ram Kumar were allotted 1 kanal and 12 marlas land in residential area of the village. Sh. Sube Singh sold plot measuring 403 sq. yards to the appellant vide registered sale deed dated 23.08.1983. Both the Courts below held that in the sale deed khewat number has not been mentioned and therefore, the sale deed is illegal. Moreover, Sh. Sube Singh has sold more than his share.

Learned Senior counsel for the appellant contends that the share of Sh. Sube Singh can be determined in a suit for partition. He submits that defendant being in possession of the property, cannot be dispossessed in the garb of an injunction order. He further submits that the



Executing Court has ordered appellant's three month civil imprisonment of the appellant for violation of the injunction decree.

Learned counsel for respondents submits that Sh. Sube Singh was entitled to 1/8th share in 1 kanal and 12 marlas land. Hence, his share would come to near about 4 marlas.

On a Court question as to 'whether the plaintiff can get possession by an order of injunction?', the learned counsel for respondents prays for some time to get complete instructions.

List for final disposal on 18.03.2025, in the urgent list.

A photocopy of this order be placed on the file of the other connected case."

2. Learned counsel representing the respondent has informed the Court that a suit for partition of joint property was filed by the respondent, which was finally decreed on 29.09.2017. He submits that the respondent (plaintiff) is satisfied with the aforesaid decree and does not wish to proceed further.

3. Learned Senior counsel representing the appellant does not dispute the aforesaid fact.

4. Keeping in view the aforesaid development, the regular second appeal, which arises from a suit for grant of decree of permanent injunction and civil revision petition, which arises from Executing Court's order directing three months civil imprisonment of the appellant shall stand disposed of with the observation that the regular second appeal is rendered infructuous, whereas, the order of civil imprisonment of the appellant shall stand set aside.

5. This order has been passed with the consent of learned counsel for the parties.



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

March 18th, 2025

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(ANIL KSHETARPAL)
JUDGE

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