

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****218****RSA-5003-2010 (O&M)****Date of decision: 21.01.2025****Dharambir Singh****...Appellant(s)****Vs.****Usha Devi and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-**

Mr. S.P.Chahar, Advocate with
Mrs. Savita Chahar, Advocate for the appellant.

Ms. Monu Sharma, Advocate for
Mr. Y.P. Malik, Advocate for respondents
No. 1(a) and 3(i).

*********NIDHI GUPTA, J.**

The plaintiff is in second appeal before this Court against the concurrent findings of the learned Courts below, whereby the suit for declaration with consequential relief of permanent injunction filed by the appellant/plaintiff, has been partly allowed by the learned trial court vide judgment and decree dated 2.3.2007; and the appeal filed by the defendants against the said judgment and decree dated 2.3.2007, along with the cross objections filed by the plaintiff, were dismissed by the learned 1st Appellate Court vide judgment and decree dated 24.10.2009.

2. The plaintiff had filed the present suit for declaration to the effect that Release Deed No. 4349 dated 12.12.2003 to the extent of



1/4 share of plaintiff in the suit property is illegal, null and void, fraudulent, misrepresented, misconceived, arbitrary and not binding on the rights of the plaintiff. The plaintiff is a coparcener and in joint possession of 1/4 share of suit property. Accordingly, an injunction was prayed for, restraining the defendant from alienating the suit property and dispossessing him from the joint possession of the suit property forcibly. As noted above, the suit of the plaintiff/appellant was partly decreed by the learned Trial court vide judgement and decree dated 2.3.2007. The appeal filed by the defendants against the said judgment and decree dated 2.3.2007, along with the cross objections filed by the plaintiff, were dismissed by the learned 1st Appellate Court vide judgment and decree dated 24.10.2009.

3. At the very outset, learned counsel for the appellant/plaintiff submits that the plaintiff is not aggrieved of the judgments and decrees dated 2.3.2007 and 24.10.2009 passed by the learned Courts below. It is submitted that the appellant is only aggrieved of the observations and findings as recorded in para-Nos. 16 and 17 of the judgment dated 02.03.2007 passed by learned Additional Civil Judge (Senior Division), Bahadurgarh. It is submitted that in the said paras No. 16 and 17, the learned trial Court had discussed about the land which was transferred by Bholi, who is the cousin sister of the defendant No.1/father of the appellant, to her two cousins. It is stated that the said discussion is out of the context and has no bearing on the



issue at hand. It is reiterated that appellant is not aggrieved of the judgments and decrees dated 02.03.2007 or 24.10.2009; and therefore, the present appeal may be disposed of.

4. Ld. Counsel for the respondent/defendants submits that she has no objection to the same.

5. In view of the above admitted position, as it is candidly stated by learned counsel for the appellant/plaintiff that he is not aggrieved of the judgments and decrees dated 2.3.2007 and 24.10.2009 passed by the learned Courts below which are in his favour, the present appeal stands **disposed of**.

6. Pending applications, if any, stand disposed of.

21.01.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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