



In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2415 of 2014 (O&M)

Date of Decision: 25.03.2025

Gurmej Singh and Others

... Appellant(s)

Versus

Jagat Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parvinder Singh, Advocate
for the appellant(s).

Mr. Sandeep Jain and Mr. Sachin Jain, Advocates
for respondents No.2 and 5.

Anil Kshetarpal, J.

1. The plaintiff's legal heirs assail the correctness of the concurrent findings of facts arrived at by both the Courts below while dismissing the simplicitor suit for grant of decree of permanent injunction restraining the defendants from interfering in the plaintiff's possession in the suit property. The defendants contested the suit. The Trial Court has culled out the following issues:-

- "1. Whether the plaintiff is entitled for permanent injunction as alleged? OPP*
- 2. Whether the plaintiff has no locus standi to file the suit? OPD*
- 3. Whether the suit is not maintainable? OPD*
- 4. Whether the site plan is incorrect? OPD*

5. *Relief.*”

2. After arguing at length, the learned counsel representing the appellants submits that they may be permitted to withdraw the appeal in order to file a separate suit for declaration and possession, if required, so as to enable them to prove their title.

3. The learned counsel representing the respondents No.2 and 5 has ‘no objection’ thereto.

4. Accordingly, the appellants are permitted to withdraw the present appeal with liberty to file a suit for declaration and possession, if required. Since there was no issue with regard to the ownership and title in the suit for injunction, hence, that would not operate as *res judicata* in a subsequent suit.

5. The present appeal stands disposed of.

(Anil Kshetarpal)
Judge

March 25, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No