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

**RSA-564-2023 (O&M)
Reserved on : 21.04.2025
Date of Decision : 20.05.2025**

Jarnail Singh & Ors

... Appellant(s)

VERSUS

Amar Kaur & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saransh Sabharwal, Advocate for the appellants.

ALKA SARIN, J.

1. The present appeal has been preferred by the defendant-appellants aggrieved by the judgment and decree dated 21.04.2022 passed by the First Appellate Court. The present appeal has been filed with an application (CM-2240-C-2023) for condoning the delay of 215 days in filing the appeal.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for permanent injunction for restraining the defendant-appellants from interfering in the ground floor of House No.1459/13, Sector 29-B, Chandigarh. Prayer was also made for restraining the defendant-appellants from removing the electricity connections as also for restraining the defendant-appellants from disallowing Karamjit Singh, son of the plaintiff-respondent No.1, from entering the suit property. The pedigree

4. Relief.

5. The Trial Court vide judgment and decree dated 23.08.2018 partly decreed the suit granting an injunction restraining the defendant-appellants from interfering in the peaceful possession of the plaintiff-respondent No.1. However, the Trial Court declined to grant an injunction restraining the defendant-appellants from disallowing Karamjit Singh to enter the suit property. Aggrieved by the same, an appeal was preferred by the plaintiff-respondent No.1 before the First Appellate Court. In the appeal, none appeared on behalf of the defendant-appellants despite service, and they were accordingly proceeded against *ex parte*. Vide judgment and decree dated 21.04.2022, the appeal was allowed, and the defendant-appellants were also restrained from disallowing Karamjit Singh to enter the suit property and stay with his mother. Hence, the present regular second appeal by the defendant-appellants.

6. Learned counsel for the defendant-appellants would contend that the plaintiff-respondent No.1 herein (mother of Karamjit Singh) has executed a Will in favour of Karamjit Singh and that he is trying to usurp the property and hence the injunction was rightly declined by the Trial Court. It is further the contention of the learned counsel that if Karamjit Singh is allowed to enter the suit property, he would influence his mother.

7. I have heard the learned counsel for the defendant-appellants.

8. In the present case the suit is for simpliciter permanent injunction for restraining the defendant-appellants from interfering in the peaceful possession of the plaintiff-respondent No.1 as also for restraining the defendant-appellants from obstructing the entry of Karamjit Singh in the suit property. It is an admitted case that the property was originally owned by Ajaib

Singh who is stated to have executed a Will granting a life interest to Amar Kaur (plaintiff-respondent No.1). The said Will has never been a subject matter of dispute between the parties till date nor has the same been upheld by any Court of law. However, it was admitted by Gurdial Singh, who appeared as DW1, in his cross-examination that his grandfather - Ajaib Singh - had given a life interest to Amar Kaur (plaintiff-respondent No.1). It is also an admitted position that Amar Kaur is residing in the suit property. The question whether she has executed a Will in favour of her son - Karamjit Singh - is not a matter to be adjudicated upon in the present suit inasmuch as Amar Kaur (plaintiff-respondent No.1) is still alive and the Will, if any, does not come into effect till her death and therefore any adjudication qua the Will at this stage is totally uncalled for. Karamjit Singh is her son and the defendant-appellants cannot possibly obstruct the son from meeting his mother and the mother from meeting her son only on the apprehension that she would bequeath some property to Karamjit Singh. There is no other reason forthcoming from the pleadings or the evidence of the parties as to why Karamjit Singh should be obstructed from meeting his mother. The plaintiff-respondent No.1 is residing in the suit property. She admittedly has a right to reside, and the defendant-appellants cannot restrain her from meeting any one she likes. No cogent and reliable evidence has been highlighted by the counsel for the defendant-appellants for this Court to take a contrary view from the one taken by the First Appellate Court. In view thereof, no fault can be found with the findings returned by the First Appellate Court. Even otherwise, there is no explanation forthcoming for the delay of 215 days in filing the present appeal.

9. No other point was argued.

10. In view of the discussion above, no question of law, much less any substantial question of law, arises for determination by this Court in the present case. The present appeal is wholly devoid of any merit and is, accordingly, dismissed on merits as well as on the ground of delay in filing the appeal. Pending applications, if any, also stand disposed off.

20.05.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO