

2025:PHHC:027925



S. No.110

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

RSA No.3759 of 2019 (O&M)

Date of Decision:27.02.2025

Tota SinghAppellant

Vs.

Balbir Singh and othersRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Varun Veer Chauhan, Advocate
for the appellant.

DEEPAK GUPTA, J. (Oral)

Suit for permanent injunction filed by plaintiff- Tota Singh (appellant herein) regarding property in dispute was decreed by the trial Court on 02.02.2016. However, the appeal filed by the defendants was accepted by the First Appellate Court vide judgment dated 27.02.2019. The pleaded case of the plaintiff- appellant was that he was in possession of the property in dispute, based upon a family settlement which was effected in 2007. Defendants No.1, 2 and 4 admitted the possession of the plaintiff but denied any family settlement. The Appellate Court found that defendant No.4 had purchased the rights of defendant No.3 in 2013. At the time of alleged family settlement in 2007, defendant No.3 – Paramjit Kaur was one of the co-sharer. However, the family settlement relied by the plaintiff was not signed/thumb marked by said defendant No.3 and as such, the same was not binding upon her.

2. Learned counsel for the appellant- plaintiff could not convince this Court regarding any fault in the afore-said findings as returned by the Appellate Court.

3. Faced with the afore-said situation, learned counsel for the appellant seeks permission to withdraw the present appeal but prays for granting liberty to the appellant-plaintiff to file suit for partition.

4. Allowed.

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5. In view of the statement made by learned counsel for the appellant-plaintiff, the present appeal is hereby dismissed as withdrawn. However, the appellant-plaintiff will be at liberty to seek partition of the property in dispute in accordance with law.

February 27, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No