



RSA-2898-2024 (O&M)

135

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

RSA-2898-2024(O&M)

Date of decision :27.03.2025

Joginder Singh

..... Appellant

versus

Anoop Chand & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Fateh Saini, Advocate for the appellant.

PANKAJ JAIN, J. (ORAL)**CM-11936-C-2024**

This is an application seeking condonation of delay of 22 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant-appellant has shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 22 days in filing the appeal is condoned.

Main case

1 Plaintiff is in second appeal. For convenience, parties hereinafter are referred to by their original position in the suit i.e. appellant as plaintiff and respondents as defendants.

2 Plaintiff filed a suit for permanent injunction claiming that he along with his co-sharers is in possession of land measuring 2 marlas.



RSA-2898-2024 (O&M)

Defendants are in possession of the property adjoining the property of the plaintiff. There is an intervening wall of about 5 ft. height between the properties of the parties. Defendants are threatening to encroach upon the suit property owned by the plaintiff by demolishing the intervening wall.

3 Defendant No.1 filed written statement denying that he ever threatened the plaintiff to interfere in the property owned by him. Rather defendant No.1 specifically pleaded that he has no concern with the suit property and thus the plaintiff has no cause of action to maintain the present suit.

4 In the absence of there being any evidence regarding any threat from defendants to encroach upon the property owned by the plaintiff and in view of the positive stand taken by the defendants in the written statement, both the Courts below dismissed the suit filed by the plaintiff.

5 Counsel for the plaintiff has not been able to show any evidence to substantiate the apprehension raised by the plaintiff. No overt act on part of defendants has been brought on record to show that there was any actionable claim in favour of the plaintiff to maintain the present suit.

6 In view of above, finding no merits in the present appeal the same is ordered to be dismissed.

7 Pending miscellaneous application, if any, also stands disposed off.

27.03.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No