

Dhani Ram Vs. UOI

RSA No. 128 of 2010

05.07.2023 Present: Mr. K.D.Sood, Sr. Advocate with Ms. Ranjana Chauhan, Advocate, for the appellant.

Mr. Balram Sharma, DSGI, for the respondents.

CMP No. 18452 of 2022

This application under Order 1 Rule 10 read with Section 151 of Code of Civil Procedure, seeks deletion of name of the “SSB Dharampur, Tehsil Kasuali, District Solan, H.P. through its Company Commander”. The prayer cannot be allowed at the stage of second appeal. The suit for permanent prohibitory injunction was instituted by the plaintiff against two defendants. The second defendant being SSB Dharampur, Tehsil Kasauli, District Solan, through its Company Commander. The decree was passed in favour of the plaintiff on 17.12.2017 by the learned Trial Court. This decree was assailed before the learned First Appellate Court by the Union of India. SSB Dharampur Tehsil Kasuali, District Solan through its Company Commander was the second appellant. The appeal was allowed by the learned First Appellate Court on 22.12.2009. Aggrieved, the plaintiff has instituted the present Regular Second Appeal and had accordingly impleaded SSB Dharampur as respondent No.2.

For the aforesaid reasons, prayer made in the application cannot be accepted. The application to stand disposed of accordingly.

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Learned Deputy Solicitor General of India seeks three weeks' time to file objections to the report of Local Commissioner. The appellant (plaintiff) has already filed the objections to the report of Local Commissioner.

List the matter on **01.08.2023**, as prayed for.

Jyotsna Rewal Dua
Judge

July 5, 2023
(*R.Atal*)