

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

**CR No.1317 of 2015
Date of Decision:24.02.2015**

Resham Singh

. . . . Petitioner

Vs.

Puran Singh and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sandeep Jasuja, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order passed by the learned Court below, dismissing his application filed under Order 21 Rule 32 of the Code of Civil Procedure, 1908 [for short 'the CPC'].

In brief, the dispute is between the real brothers. Latkan Singh, brother of the petitioner, filed a suit for permanent injunction restraining his other brothers from interfering in his peaceful possession. In that suit a compromise was effected on 31.5.2003 as per which 10 marla plot was divided amongst all the three brothers. Latkan Singh was given plot to the extent of 3½ marla shown with blue colour, Resham Singh was given plot to the extent of 2½ marla shown with red colour and Puran Singh was given plot to the extent of 4 marla shown with yellow colour. On the basis of a compromise, decree was passed by the Lok Adalat on 31.5.2003, which attained finality. The petitioner then filed an application under Order 21 Rule 32 of the CPC on the ground that

Puran Singh/respondent No.1 has forcibly entered into his possession of the land shown in orange colour, therefore, he sought the intervention of the Court for the purpose of his detention in jail or attachment of his property in terms of Order 21 Rule 32 of the CPC. The learned Court below dismissed the application.

During the course of hearing, learned counsel for the petitioner is specifically asked by the Court that on what ground the Court can decide that respondent No.1 has actually entered into the possession of the petitioner. It is submitted by him that he has led oral evidence in this regard to the effect that respondent No.1 has started putting his material on his plot.

There is oral evidence against oral evidence but until and unless some cogent evidence is brought on record, it cannot be decided as to whether respondent No.1 has actually interfered into the possession of the petitioner.

In view thereof, I do not find any merit in the present petition and the same is hereby dismissed.

24.02.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**