

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2665 of 2015
Date of decision: 01.09.2015

Sube Singh and others

... Petitioners

Versus

Gram Panchayat, Malra Sarai, Tehsil and District
Mahendergarh

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioners.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 27.05.2014, rendered by Civil Judge (Jr. Divn.), Mohindergarh, the application moved by the petitioners-plaintiffs, under Order 39 Rules 1 & 2 of the Code of Civil Procedure, seeking temporary injunction, was dismissed. Appeal preferred against the said order also failed and was dismissed vide judgment dated 09.01.2015. This is how, plaintiffs are before this court.

In a suit filed by the petitioners, they sought a declaration that they are the owners in possession of the suit property and by way of consequential relief they prayed for a decree for injunction. And vide application for temporary injunction, they sought to injunct the respondent-defendant

from causing any interference in their possession over the suit property.

The courts below, on a comprehensive consideration of the matter in issue, arrived at a conclusion that jamabandi for the year 1985-86 revealed that owners of the suit land were Shamlat Thok Lakhan and Shamlat Thok Harbaksh to the extent of half share each and the same was in possession of Makbuja Malkan. However, jamabandi for the year 2010-11 reflects that defendant was the owner in possession of the suit property. Reliance placed by the plaintiffs upon the demarcation proceedings and the proceedings dated 05.10.1992, was misplaced, as these documents were only the photocopies and were incomplete. Further, as the claim of the plaintiffs qua possession over the suit property was disputed by the defendant, the issue could only be determined in the wake of the evidence that was to be led by the parties. Accordingly, it was concluded that as the plaintiffs had failed to show even a prima facie case or that balance of convenience lies in their favour, the injunction prayed for was declined.

Concededly, in the jamabandi for the year 2010-11, defendant Nagar Panchayat is shown to be the owner in possession of the suit property. That being so, and in the absence of any cogent or credible evidence to show, that plaintiffs were in possession, injunction prayed for was rightly declined.

Learned counsel for the petitioners could not point out as to how the conclusions arrived at by both the courts below were either contrary to the position on record or suffered from any material illegality.

No interference in exercise of revisional jurisdiction is warranted. Petition being devoid of merit is accordingly dismissed.

September 1, 2015
Rajan

(Arun Palli)
Judge