

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CM No.29545-CII of 2012 in/ and  
Civil Revision No.7110 of 2012(O&M)  
Date of decision: 02.11.2015

Gurcharan Singh

.....Petitioner

versus

Sher Singh

.....Respondent

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Harchand Singh Batth, Advocate for the petitioner  
Mr.V.K.Sandhir, Advocate for the respondent

1. *Whether Reporters of Local Newspapers 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?*

**Kuldip Singh, J. (Oral)**

Impugned in the present revision is the judgment and decree dated 18.1.2012, passed by the learned Civil Judge, Senior Division, Tarn Taran, vide which suit of the plaintiff for possession of shop filed under Section 6 of the Specific Relief Act, 1963 was decreed.

It comes out that the plaintiff has claimed that he was in possession of the disputed shop and he was forcibly dispossessed. Earlier he filed a suit for permanent injunction, in which interim injunction was granted. On 21.3.2011, defendant with the help of some bad elements dispossessed the plaintiff from the disputed shop. An FIR in this regard was registered at Police Station City Tarn

Taran. Before the lower Court, defendant failed to file written statement despite ample opportunities given to him as a result of which his defence was struck off. No appeal was filed against the said order and the said order has become final. Plaintiff had led ex-parte evidence, which was believed by the lower Court.

After going through the file, I find that the defendant failed to present any case before the lower Court. The lower Court relied upon the documents in the shape of injunction suit, FIR, statement of plaintiff and his witnesses to hold that the plaintiff was in possession and was dispossessed on 21.3.2011. These are the findings of facts and are otherwise justified on the basis of evidence adduced before the lower Court. There is no ground to interfere in the same.

An application for condonation of delay of 219 days in filing the petition has also been filed along with the revision. As a result of the foregoing discussion, the said application is dismissed.

Consequently, the revision is also dismissed on merits.

**02.11.2015**

*gk*

**(Kuldip Singh)  
Judge**