

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

RSA No.3754 of 2010 (O&M)

Date of decision : 10.12.2015

Sardul Singh

...Appellant

Versus

Sucha Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Bikramjit Arora, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of fact, whereby suit for permanent injunction seeking restraint order against the defendants not to interfere in the peaceful possession illegally or forcibly from one haveli measuring 20 marlas situated in the abadi deh of Village Naushera Dhalla Tehsil and District Tarn taran, has been dismissed.

Mr. Bikramjit Arora, learned counsel appearing on behalf of appellant-plaintiff submits that trial Court dismissed the suit on the ground that appellant-plaintiff had not been able to prove the long and settled possession. The lower Appellate Court erroneously dismissed the appeal by

holding that once appellant-plaintiff had not been owner, therefore, he cannot be granted injunction, thus there is illegality and perversity.

The statement made in the examination-in-chief has not been rebutted and, therefore, deemed to have been admitted. The defendants have also failed to prove their ownership and possession.

I have heard learned counsel for the appellant-plaintiff and appraised the paper book.

Admittedly, the property in dispute is situated within Lal Lakeer. The appellant-plaintiff only examined the oral witnesses and did not produce on record any another circumstances or documentary evidence i.e. Voter Card, Voter list, Driving licence, Adhar Card etc.

It is settled law that for seeking possession, person has to prove long and settled possession, therefore, respondents-defendants can be enjoined from not to interfere in the peaceful possession. Since it was suit for injunction title, therefore, was not to be decided. It is immaterial whether respondents-defendants or appellant-plaintiff are owner or not. For the purpose of injunction only the possession has to be seen. Both the Courts below found that appellant-plaintiff was not in possession. Even photograph did not confer the possession.

I do not intend to differ with the findings rendered by both the Courts below, much less, no substantial question of law arises for determination.

Appeal is dismissed.

10.12.2015

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**(AMIT RAWAL)
JUDGE**