

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.3933 of 2012 (O&M)
Date of decision: 25.08.2015

Sobh Nath

..... Appellant

versus

Pawan Kumar and another

..... Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Preetwinder Singh Dhaliwal, Advocate
for the appellant
Ms.Rajwinder Kaur, Advocate for respondent No.1

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 regular second appeal is the judgment and decree dated 6.4.2011, passed by the learned Additional District Judge, Barnala, affirming that of learned Civil Judge, Senior Division, Barnala dated 13.12.2010, vide which, suit of the plaintiff for permanent injunction and mandatory injunction to the effect that the defendant be restrained from interfering in any portion of the suit property bearing plot No.14, fully detailed in the head note of the plaint, except in due course of law, was decreed. Defendants were further directed to remove the pillars Mark A and Mark B within

a period of 30 days from the date of judgment at their own expenses.

Briefly stated, the plaintiff claimed that he purchased a plot bearing No.14 vide sale deed dated 18.4.1994 from Barjinder Kumar, Madan Lal sons of Dawarka Dass. Since then, he is the owner in possession.

The defendants on the other hand, claimed that the defendants represent Neta Ji Subhash Hind Kusht Ashram which is a registered body. It is claimed that the said Ashram is in possession of the property and has raised construction of huts thereon. Sale deed of the plaintiff was denied.

The trial Court returned the findings that the plaintiff is in possession of the disputed property. Accordingly, the lower Court granted the injunction. Findings were affirmed in appeal.

I have heard learned counsel for the parties and have also carefully gone through the file.

The question as to whether the plaintiff is in possession of the disputed plot is a question of fact.

Learned counsel for the appellant has argued that the defendants had got the site plan prepared after visiting the spot. Electricity bills were also produced. Therefore, the possession of the defendants is established.

I am of the view that the fact whether the plaintiff is in possession of the disputed property or the defendants are in possession, has been determined by both the Courts below by recording findings of facts. No question of law much less substantial question of law arises.

Accordingly, the present regular second appeal is dismissed.

In view of disposal of the appeal, all the pending applications also stand disposed of.

25.08.2015

gk

**(Kuldip Singh)
Judge**