

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

RSA No. 4498 of 2012 (O&M)

Date of decision : 13.7.2015

Sarabjit Singh

... Appellant

VS

Kashmir Singh and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Gagandeep Singh Sirphikhi, Advocate, for the appellant.

Rajesh Bindal, J.

One of the defendants is before this Court against the concurrent findings of fact recorded by both the Courts below whereby the suit filed by respondent nos. 1 to 8/ plaintiffs for permanent injunction was decreed/

The plaintiffs claimed that they are in possession of the suit property as plaintiff nos. 1 to 7 had purchased the same through plaintiff no.8. The same was purchased from Balwant Kaur. The revenue record produced on record established their possession. On the other hand, the claim of the defendants was that Atma Singh was the owner of the property. After his death, it was inherited by his daughter Dalip Kaur and thereafter by her sons and daughters. The appellant had purchased the same from them on 16.4.1999. As there were certain errors in the revenue record, the same were got corrected. It is not in dispute that the corrections were made during the pendency of the suit.

The suit in hand filed by respondent nos. 1 to 8/ plaintiffs was merely for injunction and in support they had produced the revenue record, which was in their favour. While contesting the suit, the appellant sought to rely upon the revenue record, which was corrected during the pendency of the suit. The same was rightly not permitted by the learned Court below.

In the light of the aforesaid material available on record, in my opinion, no illegality has been committed by both the courts below in decreeing the suit filed by the plaintiffs.

No substantial question of law arises. The appeal is accordingly dismissed. Consequently, the accompanying applications are also dismissed.

13.7.2015

vs

(Rajesh Bindal)

Judge