

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

RSA No.4633 of 2012

Date of decision:14.08.2015

Bohar Singh

.....Appellant

versus

Jagnandan Singh

....Respondent

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. B.S. Sidhu, Advocate,
for the appellant.

Mr. B.S. Sra, Advocate,
for the respondent.

Kuldeep Singh, J. (Oral)

Impugned in the present Regular Second Appeal is the Judgment dated 04.02.2011 passed by Additional Civil Judge (Sr. Division), Gidderbaha, District Sri Muktsar Sahib affirmed by learned District Judge vide which the suit of the plaintiff-respondent for grant of permanent injunction, restraining the defendant-appellant from interfering, causing interference or disposing the plaintiff from suit land illegally and without getting partition was decreed.

I have heard learned counsel for the parties.

Both the Courts below have recorded that the plaintiff is in possession of the suit land which is comprised of two Khasra numbers i.e. Rect. No.15 Killa Nos.2(8-0), 3(8-0) situated within the revenue premises of Village Dhola. The plea of learned counsel

for the appellant is that his dispute is only with regard to the land measuring 4 kanals, Killa No.2 Min. (4-0) towards the western side. He claims that as per Ex. DX, it was found that the defendant is in actual physical possession over the disputed cultivated portion of the land comprised of Khasra No.15/2(4-0) which is part of the suit property and therefore the findings of both the Courts below are erroneous and liable to be reverse.

I am of the view that after going through the effect of Ex. DX, it was considered that the present appellant-defendant was found in possession of portion of the land bearing Khasra No.15 Killa No.2 by the Revenue Authorities during inspection.

However, it is not established that as to how the possession of said portion came to the defendant when earlier the same was with the plaintiff as per entries in the Khasra Girdawari. Even if there are some stray entries made regarding possession in the Khasra Girdawari, that are liable to be ignored. Therefore, Ex. DX was rightly ignored.

It being so, there is no illegality or infirmity in the judgments passed by both the Courts below.

No substantial question of law is involved. Accordingly, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

14.08.2015
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