

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 5181 of 2012 (O&M)
Date of decision: 6.8.2015

Daya Ram

.. Appellant

v.

Mukesh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sandeep Kumar Yadav, Advocate for the appellant.

...

Rajesh Bindal J.

The plaintiff is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by him for permanent injunction restraining the defendants from interfering into the possession of the plaintiff over the suit property, was dismissed.

It was claimed that the appellant had purchased the suit land, measuring 5 marlas from Kalla Ram son of Sahe Ram in the year 1980 and hence was in possession thereof since then. The ownership of the property is sought to be claimed on the basis of a bahi writing dated 7.5.1980. Title to an immoveable property could not possibly be transferred by way of a bahi entry. It was admitted by PW3-Chandgi Ram, a witness produced by the plaintiff, that in fact defendant No. 1 is in possession of the suit property. Though it was claimed by the appellant that after the bahi entry, the possession of the property in dispute was handed over to him, however, in the jamabandi for the year 1998-99, Kalla Ram has been shown to be in possession of the suit property. Nothing was produced on record to show that thereafter the appellant ever came in possession of the property in dispute.

With the aforesaid material on record, in my opinion, no illegality has been committed by the courts below in dismissing the suit filed by the appellant-plaintiff. No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

6.8.2015
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