

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

**RSA No.1777 of 2013(O&M)
Date of decision:16th July, 2015**

Tasveer Singh ... Appellant

Versus

Amarjit Singh & anr. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. LS Sidhu, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The plaintiff is in second appeal. He has lost in both the Courts below in a suit for permanent injunction brought against defendants to restrain them from interfering in the possession of the plaintiff and from forcibly dispossessing him with respect to suit land falling in Village Walipur, Tehsil and District Tarn Taran as shown in the site plan and bounded by the description in the suit. The plaintiff has been unable to lead any evidence in proof of exclusive possession over the suit land and both the Courts have read the Jamabandi in which on the column of possession, a gairmumkin Kabristan is recorded and the land is used by the Majbi Sikh Baradari for their community purposes. There is evidence of a water tank built in the suit land constructed by Majbi Sikhs from their own resources for their use. A hand pump is also installed by the Gram Panchayat on the suit land. If the plaintiff failed to prove that he has exclusive possession of the land in dispute and the suit was for simplicitor injunction then the Courts below have committed no error in declining the injunction and dismissing the suit. This appeal has no merit and no question of law, much less a substantial one, arises warranting interference on the second appeal

side. The appeal is found bereft of merit and consequently the same is ordered to be dismissed.

16.07.2015
monika

(RAJIV NARAIN RAINA)
JUDGE