

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2442 of 2013
Date of decision : November 5, 2015

Madhukar

..... Appellant

Versus

Ishwar Singh Nasir and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kamal Mor, Advocate
for the appellant.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The challenge in the present appeal is to the concurrent finding of fact whereby the suit for permanent injunction on the basis of ownership with regard to the disputed property has been dismissed.

Learned counsel for the appellant submits that in the year 1981 the appellant-plaintiff had exchanged the land measuring 46 sq.yards with the defendants but now the defendants are interfering in the peaceful possession of the plaintiff as the plaintiff wants to erect a gate on the said land. Both the courts below have found that as per the sale deed the appellant-plaintiff is owner of land measuring 559 ½ sq.yards in Kila No.48/4/2 and out of this

land he exchanged 5 sq.yards width land for use of passage and 5' width of land was left by the appellant-plaintiff for use of passage by both the parties for common rasta. Therefore, the appellant-plaintiff has remained owner in possession of the land measuring 513 ½ sq.yards, therefore was not entitled for the relief of injunction.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court as no evidence contrary to the one referred has been brought on record or shown.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

November 5, 2015
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