

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

RSA No.2512 of 2013(O&M)
DATE OF DECISION:10.02.2015

Subhash & ors.

...Appellants

Vs.

Bharat Pal & anr.

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.S.Mamli, Advocate
for the appellants.

AMIT RAWAL, J.(ORAL)

The present Regular Second Appeal, at the instance of appellants-plaintiff, is directed against the judgment and decree of trial Court, whereby the suit for permanent injunction restraining the defendants from interfering in actual and physical possession of the land measuring 0 canal-8 marlas situated in revenue estate of village Salehpur, Tehsil Jagadhri, Distt. Yamunanagar, has been dismissed by the trial Court and appeal filed against the same by the appellants/plaintiff has also been dismissed.

Mr.R.S.Mamli, learned counsel appearing on behalf of appellants/plaintiffs in support of his grounds of appeal submits that both the Courts below have committed an illegality and perversity in dismissing the suit as the appellant/plaintiffs have been in continuous possession of the suit property and could not be dispossessed except in due course of law. He further submits that the respondents-defendant in the written statement

admitted that the entries in the revenue record were not correct and, thus, raised a plea that from the perusal of the contents of the written statement the possession of the plaintiff was admitted by the defendants. I am afraid, argument of learned counsel for the appellants-plaintiffs is devoid of merit and is hereby rejected.

The onus to prove the possession in support of suit property is on the appellants-plaintiffs. The appellants-plaintiffs did not lead any documentary evidence in support of the averments made in the plaint. There is no documentary evidence to show that the appellants are/were in settled possession of the suit land. The trial Court and the lower appellate Court after appreciating the pleadings and as well as oral evidence came to a categorical finding that no documentary evidence has been brought on record by the appellants-plaintiff to show that they are in settled possession. There is no illegality and perversity in the findings recorded by the both the Courts below.

No substantial question of law arises for adjudication by this Court.

Accordingly, the appeal is dismissed.

10.02.2015
rimpal

(AMIT RAWAL)
JUDGE