

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

DATE OF DECISION: AUGUST 31, 2015

Ramji Lal

.....Appellant

VERSUS

Om Parkash and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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?

Present: Mr. M. S. Randhawa, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgments and decree passed by the Courts below, by which the suit of the appellant-plaintiff for permanent injunction, restraining the defendants to interfere in his possession over the suit property shown in the site plan ABCD dated 04.03.1968 being ancestral, stands dismissed.

It is the contention of counsel for the appellant that the appellant-plaintiff is the owner in possession of the suit property as it is an ancestral land and when the private respondents and the Gram Panchayat tried to dispossess him, he had preferred the suit, which has wrongly been dismissed by the courts below. He further contends that the decree in favour of the Gram Panchayat dated 24.07.1995 is not binding on the appellant-plaintiff as he was not a party to the said suit and, in fact, it is against the

private respondent-defendant Nos.1 to 3, where they had claimed ownership on the basis of Raiyatnama dated 4 Baisakh 2002 B.K. as the same was owned by one Sh.Saiyad Hussain son of Abbas Hussain. He, thus, contends that the Courts below have not appreciated the evidence, which has been produced on record.

I have considered the submissions made by counsel for the appellant and with his assistance have gone through the judgments passed by the Courts below.

A perusal of the judgments would indicate that the appellant-plaintiff has failed to produce any evidence on record, showing that the suit property, on which he is claiming title and possession is his ancestral land. The very basis on which he is claiming injunction having not been proved before the Courts below, the findings as returned in the impugned judgements passed by the Courts below cannot be faulted with as the same are based on proper appreciation of evidence as has been led by the parties.

Both the Courts below have returned concurrent findings after proper appreciation of evidence and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

August 31, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE