

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

RSA No. 4359 of 2013 (O&M)

Date of decision : 16.7.2015

Raj Kumar

... Appellant

versus

Vinod and others

... Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. R.N. Lohan, Advocate, for the appellant.

Rajesh Bindal, J.

The plaintiff having failed in both the Courts below whereby the suit filed by him for permanent and mandatory injunction was dismissed, has filed the present appeal.

The appellant filed the suit for claiming that the respondents-defendants be restrained from interfering in his peaceful possession of the suit property and further for mandatory injunction directing defendant nos. 1 to 3 to vacate the cattle shed portion of the house in question. It was claimed that the property in question measuring 254 square yards was purchased by the appellant vide sale-deed dated 19.1.1975 from one Jai Narain for a sale consideration of ₹ 1,524/-. He constructed house thereon in the year 1979. It was given as a licensee to defendant no.1. Both the Courts below found that the alleged sale-deed dated 19.1.1975 produced by the appellant to claim ownership of the suit property, in fact, does not confer any right on the appellant as the same was unregistered document and admittedly the sale consideration was ₹ 1,524/-. He could not even establish the identity of the property. No evidence was led by the appellant to prove that after purchase he raised any construction on the plot as alleged by him.

As regards the possession of the suit property is concerned, the respondents produced on record the ration card, voter card and electric connection. It was even admitted case of the plaintiff that the defendants

were in possession of the suit property till 24.7.2008 and just before filing of the suit, the defendants had threatened him to dispossess. In his cross-examination, the plaintiff admitted that the defendants had been residing in the house and prior to that their father Bhalle Ram was residing there. Though a plea was taken that the appellant had taken possession of the property on 24.7.2008 in terms of the compromise, however, no evidence was produced on record to prove that compromise, except the bald statement of the appellant-plaintiff. He further admitted that Sonia daughter of late Bhalle Ram was married two months back, though he denied to acknowledge that the marriage was solemnised in the house in question. He further admitted in his cross-examination that a police complaint was filed by the defendants alleging that the appellant was trying to forcibly enter into the house in question. This fact further established that in fact, the appellant was never in possession of the property in dispute. The learned Lower Appellate Court further noticed that though the appellant claimed that he had given the property as a licensee to his brother Bhalle Ram but he was missing for number of years.

Considering the aforesaid material on record, in my opinion, no illegality has been committed by the learned Courts below in dismissing the suit filed by the appellant. No substantial question of law arises. The appeal is accordingly dismissed.

16.7.2015
vs

(Rajesh Bindal)
Judge