

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4402 of 2013 (O&M)
Date of decision : December 10, 2015

Hari Ram and another

..... Appellants

Versus

Dwarki and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H. S. Dhandi, Advocate
for the appellants.

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 appellants-defendants are in Regular Second Appeal against concurrent finding of fact whereby they have been enjoined not to interfere in the peaceful possession of the plaintiffs in gair mumkin bara measuring 5 marlas comprised in khasra number 104/8.

Learned counsel for the appellants-defendants submits that in the absence of demarcation report, the suit for injunction was not maintainable. No demarcation report has been brought on record to prove that there was some encroachment or interference, therefore, the suit was liable to be dismissed. This

aspect has not been noticed by both the courts below. Thus, there is illegality and perversity in the impugned orders, much less substantial question of law arise for determination by this court.

I have heard learned counsel for the appellant and appraised the paper book.

The trial court found that as per the revenue record the respondents-plaintiffs were found to be owners of khasra No. 104/8. Even witnesses of the defendants stated that Hari Ram had no concern with the property owned by the respondents-plaintiffs.

It is not the case of encroachment where the demarcation report would have been necessary for adjudication of the *lis* between the parties, since the relief was for permanent injunction restraining the defendants not to interfere.

Keeping in view the statement of the witnesses of the respondents-plaintiffs, the trial court had enjoined the defendants not to interfere. Such an injunction in no way has caused any harm/prejudice to the appellants-defendants as the possession is of *bara* upon which they have constructed a shop.

Keeping in view the aforementioned facts, 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.

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

December 10, 2015
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