

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

RSA No.4563 of 2013
Date of decision : 20.02.2015

Wassan Singh

...Appellant

Versus

Harpal Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.K. Arya, Advocate
for the appellant.

AMIT RAWAL, J. (Oral)

This Regular Second Appeal is directed at the instance of appellant-defendant against the judgment and decree of the trial Court, whereby the appellant-defendant has been restrained from interfering in the possession of the plaintiff or dispossessing the plaintiff from the suit property except in due course of law. The appeal filed against aforementioned judgment and decree by the appellant-defendant has also been dismissed.

Mr. R.K. Arya, learned counsel appearing on behalf of appellant-defendant in support of his grounds of appeal submits that both the Courts below have committed illegality and perversity in referring to the oral statements led on behalf of appellant which ex facie demolish the case of the respondents-plaintiff. He further submits that respondents-plaintiff has failed to prove the settled possession of the suit property and, therefore,

could not have granted injunction.

I have heard learned counsel for the appellant and is of the view that there is no merit in appeal for the reasons that plaintiff has been able to establish the possession on the suit property whereas on the contrary the appellant-defendant has not led any material and cogent evidence to prove the possession, much less, any right or title or interest in respect of the suit property. It is settled law that person who is in settled possession cannot be dispossessed except in due course of law. Reference has been made to *2004 (1) SCC 769, Rame Gowda (dead) by LRs Versus M. Varadappa Naidu (dead) by LRs and another*. The appellant-defendant has also failed to prove any circumstance to show that the suit of the respondents-plaintiff was not maintainable.

In view of what has been observed above, there is no illegality and perversity in the findings rendered by the Courts below.

No substantial questions of law arises for the adjudication of the present appeal.

Accordingly, the present appeal is dismissed.

20.02.2015

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**(AMIT RAWAL)
JUDGE**