

RSA No.4722 of 2013 (O&M)

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

RSA No.4722 of 2013 (O&M)

Date of Decision: September 14, 2015

Subhash Chander & others

...Appellants

Versus

Harbhajan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Naveen Batra, Advocate
for the appellants.

AUGUSTINE GEORGE MASI, J. (Oral):

CM No.12704-C of 2013

Prayer in this application is for condonation of delay of 25 days
in re-filing the appeal.

For the reasons mentioned in the application, which is duly
supported by an affidavit of the counsel, delay of 25 days in re-filing the
appeal stands condoned.

The application stands disposed of, accordingly.

RSA No.4722 of 2013

Challenge in this appeal is to the judgments and decree
passed by the Courts below, whereby, suit for permanent injunction
restraining the appellant-defendants from forcibly and illegally
dispossessing the respondent-plaintiff from the suit land as has been
detailed in the head-note, stands decreed.

RSA No.4722 of 2013 (O&M)

It is the contention of the counsel for the appellant-defendants that an injunction cannot be granted against the owner of the property. He, therefore, contends that the judgments and decree passed by the courts below, cannot be sustained.

This contention of the counsel for the appellant-defendants cannot be accepted in the light of the entry in Misal Haqiat (Ex.P-5), according to which, the respondent-plaintiff was in possession on the basis of "Batai Nisaf Har Kisam Paidawar Bila Karch Sahaik Kheti". The said entry has remained intact till date. This clearly leaves no manner of doubt that respondent-plaintiff is lawfully continuing as tenant as a matter of right as such the decree, therefore, has rightly been passed by the Courts below.

Both the Courts below have returned concurrent findings after properly appreciating the 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 which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

It goes without saying that the appellant-defendants may avail of the remedy, in accordance with law, if so advised.

September 14, 2015
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE