

RSA No.214 of 2015

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

RSA No.214 of 2015

Date of Decision: November 27, 2015

Om Parkash

...Appellant

Versus

Bharat Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vijay Singh Kajla, Advocate
for the appellant.

AUGUSTINE GEORGE MASI, J. (Oral):

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Hisar, dated 12.03.2013, by which, the suit for injunction restraining the respondent-defendants from interfering in the peaceful possession of the plaintiff stands dismissed, against which appeal preferred by the appellant-plaintiff has also been dismissed by the learned District Judge, Hisar, on 21.07.2014.

It is the contention of the learned counsel for the appellants that the Courts below have not appreciated the evidence which has been led by the appellant-plaintiff. He contends that although the appellant-plaintiff has not been able to appear before the Court after recording his chief/statement, for cross-examination because of which, his evidence was closed by order, the same

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should have been taken into consideration by the Courts below. He, thus, contends that the judgments and decree passed by the Courts below cannot sustain and deserve to be set aside.

This contention of the learned counsel for the appellant could not be accepted as the Courts below have rightly come to the conclusion that the appellant-plaintiff has not been able to prove his case especially when he has failed to appear before the Court for cross-examination. The evidence, thus, led by the appellant-plaintiff has rightly been ignored by the Courts below. It would not be out of way to mention here that the order of the trial Court closing his evidence was challenged by the appellant-plaintiff in the revision petition which has been dismissed by this Court and thus, the said order has attained finality.

A perusal of the impugned judgments would show that the concurrent findings returned by both the Courts below do not call for any interference of this Court as there is no misreading or non-consideration of the material on record nor is there any perversity or illegality in the same.

No substantial question of law arises in the present appeal which requires consideration of this Court. Therefore, finding no merit in the present appeal, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 27, 2015