

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

RSA No.2437 of 2015 (O&M)
Date of decision: 29.5.2015

Charan Singh

..... Appellant

Versus

Avtar Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. J.P. Sharma, Advocate, for the appellant.

RAJESH BINDAL, J

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

The plaintiff claimed that property in dispute is ancestral and coparcenary property. He is in exclusive possession thereof. As the respondents/defendants were trying to interfere in his possession, the suit was filed. Both the courts below did not find any merit in the claim made by the appellant, hence, dismissed the suit. The judgments and decrees have been impugned in the present appeal.

For the purpose of establishing his ownership and possession on the suit property, the appellant produced Jamabandi for the year 1985-86, which only shows that the suit property is Abadi Deh. Though the suit was filed on 21.7.2006, no Jamabandi for the period after 1985-86 was produced. In the Khasra Girdawari produced by the defendants, the land has been shown to be Gair Mumkin Abadi. There were material contradictions in the statement of the appellant/plaintiff himself in the form of area of the land, ownership etc. None of the witnesses produced by the appellant supported his case. Lambardar, Sampuran Singh was produced by the appellant as a witness, who showed his ignorance as to how the appellant became owner of the property. Even the Jamabandis, which were sought to be produced by the appellant with the application seeking permission to lead additional evidence, also did not take the case of the appellant any

further as the learned court below has clearly recorded that these run contrary to the claim made by the appellant in the documents filed earlier. This aspect could not be explained by learned counsel for the appellant. The appellant did not produce any evidence to show that the property was ancestral.

Considering the fact that the appellant has not been able to produce any document on record showing his exclusive ownership and possession over the property, 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.

(RAJESH BINDAL)
JUDGE

29.5.2015

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