

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Regular Second Appeal No. 282 of 2015
Date of decision : February 04, 2015

Bogha Singh and others

....Appellants

versus

Jabba Singh and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Tribhawan Singla, Advocate, for the appellants

Fateh Deep Singh, J. (Oral)

The plaintiffs-appellants having faced failures before the trial court as well as learned first appellate court through judgments and decrees dated 23.12.2013 and 6.9.2014 have come up in this appeal.

Heard Mr. Tribhawan Singla, counsel for the appellants and perused the record.

As is the own stand of the plaintiffs, the land in question for which they have sought decree for permanent injunction admittedly is the ownership of Nagar Panchayat of village Tajoke, Tehsil Tapa, District Barnala and claimed that they are in continuous and legal possession for the

last 50 years since the times of their fore-fathers and which is controverted by the defendants claiming that father of defendant Jabba Singh namely Moti Singh was in possession of land till his death and thereafter are in continuous possession along with other defendants in their respective shares. To the very query of the Court that in the absence of true and lawful owner how could the plaintiffs seek such a decree and apparently is a surreptitious motivated way to get relief to protect their possession against any anticipated eventuality of being dispossessed. Evidently there is no documentary proof to support the case of the plaintiffs which led the two courts below to hold that they have been failed to show their possession on the suit land and it has been rightly concluded that the plaintiffs have failed to stand on their own legs and prove their case dis-entitles them any relief. More-so, being purely discretionary relief, in view of these circumstances does not qualifies the appellants to any such relief. The appeal being hopelessly without any merit is dismissed in limine.

February 04, 2015

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**(Fateh Deep Singh)
Judge**