

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

Regular Second Appeal No.2088 of 2014 (O&M)

Date of decision: **08**.09.2015

Jagir Singh

... Appellant

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Ashok Giri, Advocate,
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J.

1. The plaintiff is the appellant. The plaintiff had filed the suit for injunction against the gram panchayat claiming the property to be in his possession and that he was enjoying the property by storing manure of cow dung and that he had also planted a *kikkar* tree. The government of Punjab through-the collector Patiala was the first defendant and the gram panchayat was the 2nd defendant. The contention was that the property belonged to the panchayat and the plaintiff was not in possession. At the trial, the plaintiff brought on record Jamabandi and Khasra Girdawari which showed that Khasra Nos.738 and 739 had been entered with the ownership of the

government whereas Khasra No.737 had been shown to be in the ownership of the panchayat and the same was shown to be in the possession of Dalip Singh. The contention of the plaintiff was that the Dalip Singh was no more and the plaintiff had been in possession of the property.

2. The trial court observed that apart from the plaintiff, there was no other evidence referring to the plaintiff as being in possession of the property. On the other the hand, there was evidence that a wall was sought to be constructed by panchayat after a resolution. The plaintiff had admitted during the cross-examination that he had not obstructed the same and he had also not taken any action for correction made in the Girdawaris. He also admitted that notice had been given to him by the gram panchayat that he will not exercise any right of possession. The court held that the plaintiff had even failed to prove that the boundary wall had been constructed by him and that he was holding possession of the same.

3. The consideration of possession in relation to the property has been on the basis of evidence brought before it and the court has clearly found that the plaintiff has failed to establish possession. It is axiomatic that only the plaintiff who comes to court and seeks for assistance of the court through reliefs shall prove by unimpeachable evidence the case put forward by him and in the absence of appropriate evidence the trial court dismissed the suit.

The appellate court also confirmed the same.

4. The appeal does not involve any substantial question of law for consideration. The 2nd appeal is dismissed.

(K.KANNAN)
JUDGE

08.09.2015

sanjeev