

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

Regular Second Appeal No.487 of 2015

Date of decision: 13.08.2015

Balwinder Singh

... Appellant

versus

Makhan Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.D.Bawa, 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. (Oral)

The plaintiff, who claimed that he was in possession of the property demarcated as ABCD in the rough sketch, stated that his assertion must have been accepted because the defendant did not produce any evidence. His assertion, according to him, follows the practice in the State of Punjab that a property in abadi could be owned and possessed without any registered document. I have no problem in accepting that a person can hold on to a property without a document but if his possession is threatened and he seeks assistance from the court, he may not be able to secure any relief unless he proves what he is bound to. The possession of a vacant

land can only be established by proving title which may make possible a legal inference of possession following title. If possession is sought on any other basis then it ought to be with reference to appropriate evidence which is legally acceptable. According to the counsel, the plaintiff owns the property in east of what is now disputed and brought out from the plan as east of property ABCD by virtue of an agreement of sale and with reference to the property in ABCD although there is no agreement, the possession of the same must be inferred by virtue of proximity to the property which he holds under an agreement. There is no legal right to be protected and I decline to make any intervention in favour of the plaintiff. There is no substantial issue for consideration on a point of law which will be evident from the narration of facts made above. Second appeal is dismissed.

(K.KANNAN)
JUDGE

13.08.2015
sanjeev