

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.5054 of 2015(O&M)  
Date of decision: 05.10.2015

Mewa Singh

... Appellant

Versus

Nasib Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jasbir Singh, Advocate for the appellant.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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ARUN PALLI J. (Oral)

Suit filed by the plaintiff was decreed by the trial court vide judgment and decree dated 28.08.2014. As even the appeal preferred against the said decree failed and was dismissed vide judgment dated 03.03.2015, defendant No.1 is before this court in this regular second appeal. Parties to the lis, hereinafter, would be referred to by their original positions in the suit.

In a suit filed by the plaintiff, he prayed for a decree for injunction simpliciter, restraining the defendants from dispossessing the plaintiff from the suit property mentioned at letter-X and from interfering in his possession. The property in question happened to be a residential house of the plaintiff, and was shown by letters ABCDEFGHA in red colour in the

site plan appended with the plaint. A part of it was comprised in khasra No.71(0-5) and the rest in khasra No.72(0-5), situated at Village Mehdoodan, Tehsil Bassi Pathana, District Fatehgarh Sahib.

On a due and comprehensive consideration of the matter in issue, and the evidence on record, both the courts concurrently concluded that the contest between the parties was only as regards khasra No.72(0-5), as defendant No.1 had conceded the title as also the possession of the plaintiff qua khasra No.71. The claim of the defendants that defendant No.1 was recorded as joint owner in khasra No.72(0-5), was hardly of any consequence as the question of title was not required to be gone into in the present suit. And, all what was required to be determined was as to which party was in possession of the property comprised in khasra No.72(0-5). Plaintiff proved on record the site plan (Ex.P1) that showed the exact description of the disputed property and the same was duly proved by Draftsman (PW2). On the contrary, defendants failed to bring on record any site plan to show as to which portion of the land in question they were in possession of. Not just that, jamabandi for the year 2004-05 (Ex.P2) showed plaintiff to be in possession of the suit property. So much so, the jamabandi for the year 2009-10 (Ex.D1), produced by none other than the defendants, also proved that plaintiff was in possession of the disputed land. Not just that, certified copies

of the judgments and decrees (Ex.P5 to Ex.P9) substantiated the ownership as also the possession of the plaintiff qua khasra No.72(0-5), in a previous litigation. Concededly, the said decrees had since attained finality. In fact, Gurcharan Singh, who appeared as DW2, conceded in his cross-examination that he was never shown in possession of the suit land in the record of rights. That being so, and plaintiff having been found to be in possession, was granted injunction prayed for.

Learned counsel for the appellant could not point out as to how the conclusions that had concurrently been recorded by both the courts below were either contrary to the position on record or suffered from any material illegality. No other argument was advanced.

In the wake of the position as set above, there hardly exists any ground, least plausible in law, to interfere with the decree being assailed. No question of law, much less any substantial question of law, arises for consideration. Appeal being devoid of merit is accordingly dismissed.

October 5, 2015  
Rajan

( Arun Palli )  
Judge