

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

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Regular Second Appeal No.3374 of 2014

Date of Decision: December 02, 2015

Siri Ram

...Appellant

Versus

Gram Panchayat through its Sarpanch, village Fatehpur, Tehsil and District
Kaithal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surender Dhull, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree passed by the Civil Judge (Junior Division), Kaithal, dated 30.07.2011, whereby the suit of the appellant-plaintiff seeking permanent injunction restraining the respondent-defendant-Gram Panchayat from dispossessing him from the portion marked ABCD shown in red colour in the site plan and from encroaching and including the same in the street illegally and forcibly, stands dismissed and the appeal preferred by the appellant-plaintiff against the same has also attained the same fate at the hands of the Additional District Judge, Kaithal, on 11.02.2014.

2. It is the contention of learned counsel for the appellant that the Courts below have failed to appreciate that the appellant-plaintiff became the owner of the land in question marked as ABCD on the basis of the three registered sale deeds dated 18.07.1992, 13.09.1994 and 12.03.1996 in favour of the appellant-plaintiff measuring 209 square yards, situated within the *abadi deh* of village Fatehpur. As per the sale deeds, the land which is being sought to be encroached upon by the respondent-defendant is in the

ownership of the appellant-plaintiff and, therefore, the injunction as prayed for, should have been granted by the Courts below. The findings as recorded by the Courts below, thus, cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellant and with his assistance, have gone through the impugned judgments.

4. The learned Courts below have proceeded to decide the case on the basis of the pleadings and the evidence, which has been led by the parties. It has been observed that earlier also, there has been litigation with regard to the land in question, where the appellant-plaintiff has submitted site plans, the details thereof has been given in para 3 of the judgment of the Lower Appellate Court. The said site plans, as have been submitted during the said proceedings, which were earlier initiated either by the appellant-plaintiff or against him, indicate that the portion which has been marked as ABCD, has been shown as *gali share-aam*. In the light of this aspect and in the absence of any further better evidence on record, the Courts below have proceeded to hold that the appellant-plaintiff has not been able to establish his claim as owner over the said property. The findings as recorded by the Courts below cannot be said to not in consonance with the pleadings and the evidence brought on record which would call for interference by this Court.

5. Both the Courts below have returned concurrent findings after properly appreciating the pleadings and the evidence brought on record by both the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

6. No substantial question of law is involved in the present

appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

December 02, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**