

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

C.M. NO.9951 C OF 2014 &

R.S.A. NO.4299 OF 2014

DATE OF DECISION: DECEMBER 10, 2015

Bhopal

.....Appellant

VERSUS

Bhagwat etc.

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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

**Present: Mr. Randhir S. Hooda, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgement and decree passed by the Civil Judge (Junior Division), Gurgaon, dated 30.05.2013, whereby the suit preferred by the appellant-plaintiff for permanent injunction, restraining the respondent-defendants from interfering in peaceful possession of the vacant land measuring 8 marlas as described in the suit has been dismissed, appeal against which preferred by the appellant-plaintiff has also been dismissed by the Additional District Judge, Gurgaon, on 30.04.2014.

It is the contention of learned counsel for the appellant that since the land is situated in the *abadi deh*, there could not be any revenue record. Concededly, there is no documentary evidence either that of the

appellant-plaintiff or the respondent-defendants and, therefore, the oral evidence led by the parties has rightly been relied upon by the Courts below.

A perusal of the judgements passed by the Courts below would indicate that the appellant-plaintiff, who was asserting possession over the said property on the basis of his oral evidence, has not been able to establish the same as in the plaint he has referred the said land as open and in his possession for the last more than 30 years whereas in the oral statement he had impressed it by saying that he had constructed a *khori* i.e. an area for feeding cattle. Thus, the findings, as recorded by the Courts below, cannot be said to be without any justification or without considering the evidence, which has been produced by the parties.

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

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.9951 C of 2014 for restraining the respondents from interfering or taking forcible possession of the land in question is also dismissed.

December 10, 2015
khurmi

(AUGUSTINE GEORGE MASHI)
JUDGE