

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A. No. 4365 of 2014 (O&M)

Date of decision : October 19, 2015

Gajbir Singh @ Gaju

... Appellant

vs.

Rajinder Kumar Duggal and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Lokesh Sinhal, Advocate,
for the appellant.

Surinder Gupta, J

Heard.

Plaintiff being owner of suit land measuring 19 kanals 8 marlas situated at Village Hadiaband, Tehsil Phagwara, District Kapurthala, filed a suit seeking relief of permanent injunction to restrain the defendants from interfering in his peaceful possession of the suit land and also sought the alternative relief of possession, in the event of his dispossession.

The case of the plaintiff, in brief, was that the suit land was in possession of Amar Singh as his tenant and he handed over possession of the same to the plaintiff and thereafter, the defendants threatened to interfere in the possession of plaintiff. On 19th August, 2007 i.e. after the filing of the suit, they succeeded in dispossessing the plaintiff.

The defendants contested the claim of plaintiff with the plea that earlier Amar Singh was in possession of the suit land and he had handed over possession of the suit land to the defendants for a valuable consideration.

While decreeing the suit of the plaintiff, learned Civil Judge (Senior Division) Phagwara, has observed that the plaintiff had been able to prove that possession of the suit land was handed over by Amar Singh and the defendants have not come up with any status, regarding their possession of the suit land. The appeal filed by the defendant was also dismissed by Additional District Judge, Kapurthala.

I have heard the learned counsel for appellant.

This fact is not disputed that the respondent-plaintiff is the owner of the suit land. Appellant-defendants have no status of their possession. The mere averment that Amar Singh had handed over the possession of the suit land to them by executing certain writing, has been discarded by the courts below with the observations that defendant is politically well influenced person and he can easily procure such kind of documents.

On perusal of the paper book and judgment of the courts below, I find no legal or factual infirmity therein calling for any interfere.

No substantial question of law requiring determination arises in this appeal which has no merits and is dismissed.

October 19, 2015

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(Surinder Gupta)
Judge