

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

RSA No.4538 of 2014 (O&M)

Date of Decision: September 28, 2015

Jagjit Singh

.... Appellant

vs.

Ajit Singh @ Jit Singh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. A.S. Gill, Advocate for the appellant.

1. *Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

Impugned in the present regular second appeal is the judgment and decree dated 16.04.2014 passed by learned District Judge, Jalandhar, affirming the judgment and decree dated 11.01.2013 passed by learned Civil Judge (Jr. Divn.), Jalandhar, whereby the suit of the plaintiff was dismissed.

The plaintiff had sought permanent injunction for restraining the defendants from interfering in the peaceful possession of land measuring ½ marla, fully detailed in the headnote of the plaint bearing specific boundaries.

The lower court has found that the plaintiff did not get the possession of the said portion after sale from its original owner, who was co-sharer of the defendants. The findings were affirmed in appeal.

After hearing learned counsel for the plaintiff-appellant, I am of the view that only the findings regarding possession have been recorded. These are the findings of the facts.

Learned counsel for the plaintiff-appellant has argued that the first appellate court has observed that a partition has taken place, in which the defendants came in possession of the disputed property.

On the other hand, it is stated that the plaintiff has the only remedy to get the land partitioned by metes and bounds from the court of competent jurisdiction, if so advised.

Both the courts have recorded concurrent findings that the plaintiff was not in possession of the disputed property. No substantial question of law arises in the present appeal.

Hence, the present regular second appeal stands dismissed.

September 28, 2015
sarita

(KULDIP SINGH)
JUDGE