

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 4822 of 2014(O&M)
Date of Decision: October 20, 2015

Tarlok Singh

..... Appellant

Versus

Jeet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Kulbhushan Soi, Advocate
for the appellants.

Amit Rawal, J (Oral)

The appeal is against the concurrent finding of fact whereby the appellants-defendants have been restrained from interfering or dispossessing the plaintiff except in due course of law.

Learned counsel for the appellants-defendants submits that respondent-plaintiff has not been able to show his long and settled possession in respect of the land in dispute. Therefore, the courts below have committed illegality and perversity in granting injunction.

I have heard learned counsel for the appellant and appraised the paper book.

Both the courts below have found that the respondent-plaintiff has been in settled possession since long and the jamabandi and khasra girdawari have been proved.

In view of the ratio decidendi culled out in **Rame Gowda Vs. M. Varadappa Naidu(dead) by L.Rs and another (2004) 1 SCC 769,** it is a settled law that the person who is in long

and settled possession cannot be dis-possessed except in due course of law. In the instant appeal, the respondent-plaintiff is in long and settled possession. The decree is most innocuous one as it has not prevented the appellant-defendants to seek possession in accordance with law.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. I do not find any illegality or perversity in the aforementioned judgment and decree of the appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

(AMIT RAWAL)
JUDGE

October 20, 2015
archana