

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 4987 of 2014 (O&M)
Date of decision: 21.5.2015

Smt. Barsati Devi

.. Appellant

v.

Smt. Ranjit Kaur and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashok Giri, Advocate for the appellant.

Mr. Sudhir Paruthi, Advocate for the caveators-respondents.

...

Rajesh Bindal J.

The defendant is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by the respondents-plaintiffs for mandatory injunction directing the defendant for removing her belongings from the property in dispute and deliver the vacant possession thereof to the plaintiffs, was decreed.

Both the courts below found that the plaintiffs are owners of the suit property. As they had been residing at different places on account of postings being in service, the possession of the property in dispute was given to the appellant-defendant as a care taker. It was claimed in the suit that the appellant-defendant conspired with Gurnam Singh and encroached upon two rooms belonging to the respondents-plaintiffs. The suit was contested by the appellant claiming that she is owner in possession of the suit property. In support of their plea, the plaintiffs proved the sale deed on record. Besides this, another important fact showing the status of the appellant-defendant was evident from an earlier suit filed by the appellant for permanent injunction restraining the respondents-plaintiffs from

interfering in her possession. The same was dismissed on 26.2.2011 by the trial court. Even the first appeal against the same was also dismissed on 19.3.2013. In the aforesaid case, it was held that the present appellant was merely a licensee under the respondents-plaintiffs. The aforesaid judgments in the earlier suit filed by the appellant having attained finality, she cannot be permitted to claim in the present litigation that she was owner in possession of the suit property in dispute.

With the aforesaid material on record, in my opinion, no illegality has been committed by the courts below in decreeing the suit filed by the respondents-plaintiffs.

No substantial question of law arises in the present appeal. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

21.5.2015
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