

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

**RSA No.5623 of 2014 (O&M)
Date of decision: 11.12.2015**

Narinder Singh & others

... Appellants

Vs.

Baldev Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Vivek Salathia, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

The appellant-defendants are aggrieved of the judgment and decree dated 18.07.2014 passed by the lower Appellate Court, whereby, the suit for permanent injunction is decreed and the appellant-defendants have been restrained from interfering into the peaceful possession of the respondent-plaintiff over the property in dispute except in due course of law.

Mr. Vivek Salathia, learned counsel for the appellant-defendants submits that suit seeking declaration to the effect that plaintiff had become owner by way of adverse possession has rightly been dismissed as it was not maintainable, however, the lower Appellate Court without looking into oral and documentary evidence,

granted the injunction with regard to the land, though the respondent-plaintiff was owner of the land measuring 3 kanals as the land is un-partitioned, thus, there is illegality and perversity in the impugned judgment and decree of the lower Appellate Court, much less, substantial question of law arises to be adjudicated by this Court.

I have heard learned counsel for the appellant-defendants and appraised the impugned judgment and decree of the lower Appellate Court.

The decree granted by the Lower Appellate Court is most innocuous. It is settled law that where a person whose possession is long and settled, he/she cannot be evicted except in due course of law. Nothing prevents appellants to seek possession in accordance with law by filing a suit for possession or partition as per the status reflected in the revenue record. It is settled law that a person who is in possession since long, cannot be dispossessed except in due course of law, in view of the judgment of the Hon'ble Supreme Court in **Rame Gowda (D) by LR's vs. Mr. Varadappa Naidu (d) by LR's and another 2004 (1) SCC 769**. No fault can be found in the findings rendered by the lower Appellate Court in partly decreeing the suit vis-a-vis injunction granted in favour of the respondent-plaintiff.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by the lower Appellate Court, based upon the appreciation of oral and documentary evidence,

much less, no substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

December 11, 2015
savita