

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

107

RSA No.5819 of 2014

Date of Decision:14.12.2015

Gagandeep Singh

....appellant

Versus

Mindha @ Mohinder Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Ghulam Nabi Malik, Advocate
for the appellant

ARUN PALLI, J.(ORAL):-

Suit filed by the plaintiff was dismissed by the trial Court vide judgment and decree dated 15.11.2013. As even an appeal preferred against the said decree failed and was dismissed on 22.07.2014, the plaintiff is before this Court, vide this Regular Second Appeal. Parties to the lis, hereinafter, would be referred to by their original positions in the suit.

Plaintiff prayed for a decree for injunction simplicitor restraining the defendant to cause interference in his possession over a house situated in village Fatehabad, Tehsil Khadoor Sahib, District Tarn Taran, shown in red colour, in the site plan appended with the plaint.

In brief, the case set out by the plaintiff was that he orally took the vacant site for residential purpose from Gian Singh,

who happened to be the owner of the said land. Plaintiff constructed a house over the said plot and was residing therein with his family since then. But as the defendant threatened to cause his forcible dispossession, thus the suit.

On a consideration of the matter in issue and the evidence on record, both the Courts concurrently concluded that the plaintiff failed to examine any person from the village to corroborate his claim. The testimony of the plaintiff himself and of the draftsman Kulwant Singh (PW2), was insufficient to grant the decree prayed for. In fact, in his cross examination, plaintiff conceded that he had no proof as regards the ownership of the suit land. Nothing was brought on record to show as to how he entered possession of the site in question. He even failed to disclose the boundaries of the suit property. Gian Singh, from whom the plaintiff claimed to have purchased the suit land was alive, but yet the plaintiff failed to examine him. The documents brought on record by the plaintiff to show that he was in occupation and possession of the suit land , were of no consequence as these were marked documents and could not be read into. Thus, the only and the inevitable conclusion the Courts could reach was to decline the injunction prayed for. Learned counsel for the appellant could not point out as to how the findings that were concurrently recorded by both the Courts were either contrary to the position on record or suffered from any material illegality.

In the wake of the position as set out above, there hardly exists any ground, least plausible in law to interfere with the

decree being assailed in the present appeal. No question of law, much less any substantial question of law, arises for consideration in the present appeal. The same being devoid of merit is accordingly, dismissed.

14.12.2015

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(ARUN PALLI)
JUDGE