

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5830 of 2014 (O&M)
Date of Decision.17.08.2015

Ishloop

.....Appellant

Versus

Samsuddin and others

.....Respondents

Present: Mr. Naveen Sharma, Advocate for
Mr. S.K. Bawa, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. Delay in filing and refiling the appeal is condoned.
2. The suit was filed by the plaintiff for injunction claiming that the property was in possession of the plaintiff in *abadi deh*. The defendants denied the property in possession of the plaintiff and contended that the plaintiff cannot seek for an injunction without proof of actual possession. It was also the contention taken by the defendants that there was actually no possession of the property and the plaintiff has to succeed on the strength of his own case and if the plaintiff cannot establish his possession, the suit must be dismissed. The plaintiff examined himself and filed an affidavit on assertion that he was in possession of property and the trial Court found that mere oral assertion regarding possession of immovable property cannot obtain any judicial approval for grant of relief of injunction. The suit was

dismissed and even before the Appellate Court there was no weighty evidence for taking a different view from how the trial Court had approached. I find no better materials than how the case was brought before the two Courts below.

3. I find that there is no substantial question of law for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 17, 2015
Pankaj*