

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

RSA No. 6103 of 2014 (O&M)

Date of decision: October 30, 2015

Prem

...Appellant

Versus

Jang Bahadur and others

...Respondents

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?**

Present: Mr. Vikram Singh, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The plaintiff who claimed that he was in possession of the property in abadi deh under unregistered document was declined the relief of injunction sought against a third party. The courts reasoned that the plaintiff has no registered document and no right could be claimed under unregistered instrument.

2. Learned counsel would argue that the property was in abadi deh and the disturbance of the possession does not come from his vendor but from a third party. It is his further contention that there can be no registered document with respect to the property in abadi deh. I reject both these contentions for the following reasons: If it is a property situate in any place within India and it is immovable whose value is more than 100 rupees

conveyance in respect thereof is bound to be registered under the provision of Section 17 of the Registration Act. There is simply no exception that the property in abadi deh cannot be brought through a registered instrument. In the absence of any such instrument there can be no evidence also led that he has got some right to the property. The argument that his vendor is not disturbing him and the third party was disturbing the plaintiff's possession will carry no weight, for, the plaintiff must have some credible evidence to establish his possession *aliunde* without recourse to the unregistered document. If the plaintiff would have no other evidence to show his possession, then the relief of injunction even against a third party cannot be sustained. The discretionary relief, such as injunction statutorily protected under the Specific Relief Act, would only be given to a person who can provide adequate prima facie proof and establish through adequate evidence his right to possession. Neither right nor possession were established in the manner known to law. The judgments of the courts below are under the circumstances justified declining the relief of injunction and there is no scope for intervention in the second appeal.

3. The second appeal is dismissed.

October 30, 2015

prem

(K.KANNAN)

JUDGE