

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

C.M. No.14542 C of 2014 &

R.S.A. NO.6115 OF 2014

DATE OF DECISION: NOVEMBER 26, 2015

Sardul Singh

.....Appellant

VERSUS

Jagjit Singh and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

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. Rajinder Sharma, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgement and decree dated 01.03.2013 passed by the Additional Civil Judge (Senior Division), Ajnala, dismissing the suit for permanent injunction restraining the respondent-defendants or their agents from dispossessing the appellant-plaintiff forcibly and illegally or from interfering into his peaceful possession from the land measuring 10 kanals 8 marlas, detail of which has been mentioned in the head note of the suit situated at Village Kiampur, Tehsil Ajnala, District Amritsar, against which an appeal preferred by the appellant-plaintiff stands dismissed by the Additional District Judge, Amritsar, on 01.07.2014.

It is the contention of learned counsel for the appellant that the Courts below have neither appreciated the correct position of law nor have considered the pleadings and evidence led by the parties in right

perspectively. He contends that as per the order dated 07.01.2010, the khasra girdawari for the year 2006-07 has been corrected and he has been shown to be in exclusive possession of the suit property. However, the said aspect, which establishes his exclusive possession over the suit property, has been over-looked by the Courts below. He, thus, contends that the judgements and decree passed by the Courts below deserve to be set-aside and the suit of the appellant-plaintiff decreed.

I have considered the submissions made by learned counsel for the appellant and with his assistance have gone through the impugned judgements.

It is not in dispute that as per the revenue record, which has been produced on record, the appellant-plaintiff has been shown as co-sharer alongwith respondent-defendant No.3, Milkha Singh. If he is a co-sharer, each co-sharer is in possession of every inch of the property. The evidence, which has been brought on record, clearly establishes that the land is in joint ownership of the appellant-plaintiff and respondent-defendant No.3, Milkha Singh. It is also not in dispute that the land till date has not been partitioned. If that be so, the findings, as recorded by the Courts below, cannot be faulted with. The assertion of learned counsel for the appellant that Khasra Girdawari for the year 2006-07 has been corrected on 07.01.2010 cannot be accepted in the absence of said order and rightly so the Courts below have not accepted said argument. Further in the cross-examination, the appellant-plaintiff has himself admitted that Milkha Singh has taken possession of Khasra No.22/21, measuring 4 marlas but he has not been able to give the date, month and year in which such possession has been taken by Milkha Singh, respondent-defendant No.3. PW3 Lakhwinder

Singh has admitted in his cross-examination that at present Milkha Singh had sown the crop of basmati in the suit property, which further establishes that the appellant-plaintiff is not in exclusive possession of the property. The findings, thus, as recorded by the Courts below cannot be faulted with.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.14542 C of 2014 for restraining the respondents or their agents from dispossessing the appellant-plaintiff from suit land forcibly and illegally is also dismissed.

November 26, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE