

**C.M. NO.1425 C OF 2014 &
R.S.A. NO.612 OF 2014**

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

DATE OF DECISION: AUGUST 28, 2015

Harjinder Singh

.....Appellant

VERSUS

Amarjit 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. Malhar Singh Dhami, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the appellant has submitted that the judgements and decree passed by the Courts below cannot be sustained as DW1 Amarjit Singh in his cross-examination has admitted that the appellant-plaintiff had been forcibly cultivating the land and, therefore, the possession of the appellant-plaintiff has been admitted. If such an admission is there on the part of the respondent-defendants, the injunction, as has been prayed for, should have been granted by the Courts below.

This contention of counsel for the appellant cannot be accepted as that is a stray admission on the part of the respondent-defendants. In fact, the case of the appellant-plaintiff was based upon an oral partition but the same has neither been incorporated in the revenue records nor he has been

able to prove on the basis of cogent evidence that there has been any such partition, conferring an exclusive possession of the property in question upon the predecessor-in-interest i.e. the vendor and obviously he has stepped into the shoe as a vendee. There is no dispute that the land is not only owned by the appellant-plaintiff but the respondent-defendants as well. The land being a joint land holding, where partition has not taken place, it cannot be said that a particular person is in exclusive possession thereof.

Both the Courts below have returned concurrent findings after properly appreciating the evidence 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.

**August 28, 2015
khurmi**

**(AUGUSTINE GEORGE MASIH)
JUDGE**