

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 432 of 2015**

**Date of Decision: 01.02.2016**

Nafe Singh

... Petitioner(s)

Versus

M/s Omaxe Housing & Developers Limited and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Amit Kumar Goyal, Advocate  
for the petitioner.

Mr. P.K.Gupta, Advocate  
for respondents No.4 & 5.

**Shekher Dhawan, J.**

Present petition is challenge to the order dated 30.9.2015 passed by learned Additional District Judge, Sonapat vide which application, filed by the petitioner, for issuance of injunction order, was dismissed.

Learned counsel for the petitioner submitted that plaintiff is owner in possession to the extent of 1/4th share of the agricultural land measuring 69 kanals 15 marlas and he is recorded as owner in possession thereof. Defendant No.5-Taneja Developers & Infrastructure was developing the project near the land in question and its employees

tried to threaten the plaintiff to interfere in the peaceful possession of the land in question. Defendants, in collusion with each other, produced false and fabricated power of attorney dated 21.4.2006 in the office of Sub Registrar, Panchkula. Thereafter, the land was sold to defendant No.4 vide registered sale deed dated 13.6.2006.

Learned counsel for the petitioner submitted that alleged power of attorney dated 21.4.2006 is false and fabricated document and both the Courts below, without appreciating the correct facts, passed the order and the same are liable to be set aside.

Learned counsel for the respondents submitted that a sum of ₹ 70,00,000/- had already been paid and the findings have been recorded that possession is not with the petitioner. Civil suit was dismissed with the findings that the petitioner is neither the owner nor in possession of the suit property. The payment has already been deposited in the account of Sarup Singh and present petitioner is his son. The findings recorded by both the Courts below do not call for any interference and present petition be dismissed.

Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that findings of facts have already been recorded by both the Courts below that petitioner has got no prima facie case or balance of convenience does not lie in his favour. Civil suit titled "Sarup Singh (since deceased through his LRs.) v. M/s Omaxe Housing & Developers Limited and Others" has already been decided against the present petitioner. Learned Additional District Judge, while placing reliance upon the

findings of trial Court, passed the order, thereby dismissing the injunction application. Learned Civil Judge, while returning the findings in Civil Suit No. 194 of 2008/2013, had already recorded the findings that petitioner failed to lead any evidence to establish his case and also failed to prove his ownership and possession over the suit property and the said findings are accepted by learned Additional District Judge.

More so, on the basis of agreement of sale, possession of the suit land has already been delivered to the owner in question, after receipt of payment of ₹ 62,77,500/-, which was deposited in the name of Sarup Singh and the present petitioner inherited his rights through Sarup Singh. Even the said cheques were cleared by State Bank of India on 24.6.2004.

There are no grounds to interfere in the order passed by learned Additional District Judge and present revision petition is without any merit and the same stands dismissed.

**(Shekher Dhawan)**  
**Judge**

**February 1, 2016**

"DK"