

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8195 of 2016

Date of Decision: December 05, 2016

Harbans Singh

...Petitioner

Versus

Swaran Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Harsh Bunger, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner-defendant is aggrieved of the judgment and decree dated 28.1.2016 rendered in a civil suit filed by invoking the provisions of Section 6 of the Specific Relief Act, 1963.

Mr.Harsh Bunger, learned counsel for the petitioner-defendant, during the course of the hearing of the present petition, submits that as per the averments culled out in the plaint, the address of the petitioner-defendant has been given of a different area. It has been alleged that in the aforementioned suit, injunction order was granted on 6.7.2013 and the defendant had to appear on 11.7.2013, but he along with his henchmen forcibly dispossessed the plaintiff on 9.7.2013. It is in this backdrop of the matter, the suit aforementioned was filed. He has drawn the attention of this Court to the cross-examination of the plaintiff, where he stated that he is in possession of the property and had not produced any documentary evidence qua possession and ownership, therefore, the onus of the suit had not been

discharged. The Court was required to dismiss the suit on this ground alone.

I have heard learned counsel for the petitioner-defendant, appraised the paper book and as well as the cross-examination of the plaintiff extracted at page 7 of the petition.

Though the plaintiff had reiterated that it was the property being inherited from the father and the categorical stand in the plaint was that Harbans Singh had sold his share and was living somewhere else. In a suit alleging dispossession filed under Section 6 of the Act, the onus keeps on shifting. The witness in cross-examination admitted that the respondent-plaintiff had obtained the electricity connection and had been in possession, much less also admitted the factum of forcible dispossession. All these factors were the clinchers/pointers for the trial Court to decree the suit. No ground has been raised to belie the admission in the cross-examination.

In view of the aforementioned facts, the trial Court has rightly decreed the suit. No ground for interference is made out.

Revision petition stands dismissed.

December 05, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No