

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

**RSA No.3373 of 2012 (O&M)
Date of decision:24.05.2016**

Nasib Kaur

...Appellant

Vs.

Tarsem Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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. Rajeshwar Singh, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Appellant-plaintiff is aggrieved of the dismissal of the suit seeking permanent injunction against the respondent-defendants from forcibly interfering and dispossessing the plaintiff on the ground of long settled possession, though indirectly sought the relief of ownership. Both the Courts below declined the relief on the ground that in the absence of relief of declaration, suit simpliciter for permanent injunction is not maintainable.

Mr. Rajeshwar Singh, learned counsel appearing on behalf of the appellant-plaintiff submits that the aforementioned findings for having not claimed declaration is not sustainable in the eyes of law as even if a person is not owner of the property and establishes long settled possession,

he cannot be dispossessed, much less, his peaceful possession cannot be interfered except in due course of law. The documentary evidence showed the long possession of the appellant-plaintiff which has not been noticed by the Courts below and thus, urges this Court to formulate the substantial questions of law arise for adjudication of the present appeal as carved out in the memorandum of appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that plaintiff has miserably failed to establish the long settled possession, dehors of the fact that whether he is owner or not. In the absence of evidence, the Court could not grant the injunction but to pass the adverse order. Even identity of the property to some extent was not established.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for determination of this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 24, 2016
savita