

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 5113 of 2012 (O&M)
Date of Decision : 05.04.2016

Sardool Singh

....Appellant

Versus

Lakhwinder Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. H.K. Aurora, Advocate
for the appellant.

Surinder Gupta, J.

Appellant filed suit seeking the relief of permanent injunction to restrain the defendants from interfering in his peaceful possession over the land measuring 4 *kanals* 5 *marlas* bearing *khasra* no. 8R/25/1 (3-4), 7R/11/1 (1-1), *khata* no. 85/99 and 142/168 situated in the area of village Rajpur, H.B. No. 487, *Tehsil* Dasuya, District Hoshiarpur.

2. Suit was dismissed by learned Civil Judge (Junior Division), Dasuya and the appeal filed by plaintiff was partly accepted and he was allowed the relief of permanent injunction restraining the defendants from interfering in possession of plaintiff and his brother Baldev Singh over the land bearing *khasra* no. 7//11/1 (1-1) while judgment and decree passed by learned Civil Judge (Junior Division), Dasuya dismissing the suit of plaintiff with regard to land measuring 3 *kanals* 4 *marlas* bearing *khasra* no. 8//25/1, were affirmed.

3. Case of plaintiff, in brief, is that he alongwith his brother Baldev Singh took suit land alongwith other land from

Punjab Government on rent @ ₹500/- per acre in the year 1995 and since then they are in possession of same. While appearing as PW-2 Jaskaran Singh, a witness examined by plaintiff, specifically admitted possession of defendant no. 2-Lakwhinder Singh over 3 *kanals* and 4 *marlas* of land over which he had sown wheat crop. Even plaintiff while appearing as PW-1 admitted this fact. Both the Courts relying on admission of plaintiff and his witness dismissed his suit seeking the relief of permanent injunction to restrain the defendants from interfering in possession of plaintiff over land measuring 3 *kanals* 4 *marlas* bearing *khasra* no. 25/1.

4. In view of admission of plaintiff and his witness that the defendants are in possession of 3 *kanals* 4 *marlas* of land and have sown crop over it, which is best evidence on record, both the Courts below have committed no error of law while ignoring entries in the revenue record to this effect.

5. No substantial question of law, requiring determination arises in this appeal, which has no merit.

Dismissed.

April 05, 2016

jk

**(SURINDER GUPTA)
JUDGE**