

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

RSA No.1183 of 2013(O&M)

Date of decision :01.08.2016

Kulwinder Singh

.....Petitioner

Versus

Bawa Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. H.S.Dhandi, Advocate
for the petitioners.

DARSHAN SINGH, J. (Oral)

Learned counsel for the appellant contended that the vendor of the plaintiff-respondent has no title to the suit property. So, the alleged agreement executed by Bakhshish Singh and the sale deed executed by his daughter qua part of the suit property will not confer any title to the plaintiff-respondent. He further contended that the plaintiff-respondent has been convicted subsequently for the forgery of the agreement allegedly executed by Bakhshish Singh.

I have duly considered the aforesaid contentions.

This fact cannot be disputed that the appellant has admitted that plaintiff-respondent has constructed the house in the year 2002-2003. Thereby, the possession of the plaintiff-respondent and the construction of his house is not disputed. The

learned Courts below have passed the decree simply for permanent injunction and has restrained the appellant-defendant from interfering in the possession of the plaintiff-respondent except in due course of law. No fault can be found in the decree passed by the learned Courts below in view of the admitted/proved possession of the plaintiff over the property in dispute. The suit of the plaintiff-respondent has been decreed for injunction restraining the defendant from interfering and from demolishing any part of the property of the plaintiff-respondent and further interfering in his possession over the house in dispute except in due course of law. Thus, as the injunction has been granted except in due course of law, so it will be open to the appellant-defendant to seek the possession of the suit property by raising challenge to the agreement to sell and sale deed standing in favour of the respondent, if, otherwise legally permissible and the appellant is legally entitled thereto, by independently establishing his claim in accordance with law.

Dismissed.

01.08.2016

S.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

**(DARSHAN SINGH)
JUDGE**