

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

R.S.A.No.2462 of 2016 (O&M)

Date of Decision: November 10, 2016

Hukam Singh (since deceased) through L.Rs

...Appellants

Versus

Moan Singh & others

...Respondents

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

Present: Mr.Vineet Chaudhary, Advocate,
for the appellants.

AMIT RAWAL, J. (Oral)

Appellant-defendants are aggrieved of the partial decree of the suit, whereby injunction qua suit land measuring 2 kanals 6 marlas except 3 marlas, already in possession of Raj Kumar defendant, has been granted.

Mr.Vineet Chaudhary, learned counsel for the appellants submits that both the Courts below have misinterpreted and misconstrued the Local Commissioner's report dated 31.8.2001,Ex.PW1/C. In fact, the defendants are owners of the property by virtue of the sale deeds Ex.D3/A, Ex.D4/A, Ex.D5/A, Ex.D6/A, Ex.D7/A, Ex.D8/A and Ex.D9/A. The property was also demarcated at the instance of the defendants. The demarcation report is Ex.D1. Local Commissioner, in cross-examination, though admitted regarding the correction, but he did not actually prove the report, much less its foundation.

During the course of hearing when this Court called upon the learned counsel to apprise about the measurements taken by any of the authorities, the answer was that various suits regarding the title are pending

in the Civil Courts. The suit instant is simpliciter one and only injunction has been granted. In case the parties have already availed the right with regard to the declaration and the title, I am of the view that the findings rendered in the present suit only for injunction shall not come in their way in case they succeed to prove their title and the consequential relief, if so asked for.

For the foregoing reasons, I do not intend to differ with the concurrent findings, which are based on appreciation of oral and documentary evidence. No ground for interference is made out.

Appeal stands dismissed.

November 10, 2016
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No