

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

RSA No.2479 of 2016 (O&M)

Date of Decision.01.09.2016

Sukhwinder Kaur and another

.....Appellants

Vs.

Dilbagh Singh and another

.....Respondents

Present: Mr. Vipin Mahajan, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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AMIT RAWAL J. (ORAL)

C.M. No.6551-C of 2016

For the reasons stated in the application, delay of 4 days in filing the appeal is condoned.

Application is allowed.

RSA No.2479 of 2016 (O&M)

The appellants-plaintiffs are aggrieved of the concurrent finding of fact whereby the claim in the suit for permanent injunction seeking restraint from forcible interference and dispossession on the basis of the ownership has been declined by the Courts below.

Mr. Vipin Mahajan, learned counsel appearing for the appellants-plaintiffs submits that the appellants-plaintiffs had been found to be in possession of the *Haveli* since long and in this regard, documentary evidence i.e. ration card etc. had been brought on record and proved, yet the Courts below declined the relief. The defendants had set up plea of family

partition but the same had not seen the light of the day.

This Court, during the course of arguments, confronted Mr. Mahajan regarding date of the ration card but answer was that it is of earlier period whereas the suit had been filed in the year 2008. Since the appellants-plaintiffs have failed to place on record any material evidence except the oral testimony of one of the relatives regarding the possession, I am of the view that for seeking injunction, there has to be positive, direct and cogent evidence. No such evidence has been placed on record and rightly so the Courts below have declined the relief.

For the foregoing reasons, I do not find any illegality and perversity in the judgments and decrees passed by the Courts below as the same are based upon correct appreciation of oral as well as documentary evidence, much less, no substantial question of law arises for consideration. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 01, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No