

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

RSA No.1096 of 2015 (O&M)
Date of decision:01.04.2016

Raj Singh Vs. ... Appellant

Banta Singh ... Respondent

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. Amit Arora, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is aggrieved of the dismissal of the suit and appeal seeking permanent injunction against threat to dispossess him, much less, interference in the title of the suit property by both the Courts below.

Mr. Amit Arora, learned counsel appearing on behalf of the appellant-plaintiff submits that during the course of pendency of the appeal, an application under Order 41 Rule 27 of the Code of Civil Procedure was filed by the appellant-plaintiff to bring on record the site plan and photographs to show the possession which has erroneously been dismissed by the Lower Appellate Court. He further submits that umpteen number of documents have been placed on

record by the appellant to show the possession over the suit property. He also submits that a person, who is found in long and settled possession, cannot be dispossessed except in due course of law. He further submits that there is illegality and perversity in the impugned judgments and decrees of the Courts below, much less, substantial question of law arises for adjudication of the present appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the impugned judgments and decrees of the Courts below and of the view that there is no merit in the aforementioned submissions of Mr. Arora, for the reasons that neither any proof nor any documentary evidence vis-a-vis possession has been placed on record to prove the same. Dehors of the fact that appellant-plaintiff is not owner of the suit property but has miserably failed to prove the possession, thus, the Court below did not have any occasion to grant the injunction.

In view of the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below, 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

April 01, 2016
savita