

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

RSA No.2557 of 2015 (O&M)

Date of decision:29.08.2016

Jagroop Singh and another

... Appellants

Vs.

Sukhdev Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. K.B.S.Mann, Advocate
for the appellants.

AMIT RAWAL J. (Oral)

Appellant-plaintiffs are aggrieved of the concurrent findings of facts and law, whereby, suit for permanent injunction qua suit property, has been dismissed.

Mr.K.B.S.Mann, learned counsel appearing on behalf of the appellant-plaintiffs submits that appellants are owners in possession of the land measuring 3 kanals and out of said land, they have constructed their house in 2 kanals 8 marlas and left 8 marlas land as vacant for keeping the agricultural implements, cotton sticks and for cow dung. They have purchased land measuring 2 kanals 4 marlas from Kartar Singh on 04.12.2001 and 16 marlas from Chand Singh on 24.4.2009. The defendants wanted to grab the vacant portion of the suit land of the plaintiffs. The Courts below have wrongly appreciated the evidence as draftsman had

visited the site and once the appellants were found to be in possession, the injunction ought not to have been declined.

I have heard learned counsel for the appellant-plaintiffs and appraised the judgments and decrees of the Courts below and of the view that plaintiffs had not been owners of the land. It was 4 ½ kanals and was in possession of the defendants being ancestral. Even sale deeds have not been produced on record, except two agreements Ex.P1 and Ex.P2. Even witnesses of the plaintiffs admitted that there was no sale deed. Moreover, the plaintiffs have failed to prove the ownership. Though the site plan produced on record did not tally with the identification of the property, therefore, the injunction had rightly been declined on this ground.

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

August 29, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No