

RSA No.5154 of 2016 (O&M)

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

RSA No.5154 of 2016 (O&M)

Date of decision:21.11.2016

Ballu Ram

... Appellant

Vs.

Sheo Lal (since deceased) through LRs and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P.S.Jammu, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.13399-C of 2016

For the reasons stated in the application, duly supported by an affidavit, delay of 93 days in re-filing the appeal is condoned.

C.M. stands disposed of.

RSA No.5154 of 2016 (O&M)

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, the claim in the suit seeking permanent injunction against the respondent-defendant qua forcible interference and dispossession in respect of the plot situated in the Lal Lakir of village Kaluana, Tehsil Dabwali, District Sirsa bounded as East: House of Daya Ram, North : House of Sahi Ram, South : House of Om Parkash, West: Gali Sare-aam, has been dismissed by both the Courts below.

Mr. P.S.Jammu, learned counsel for the appellant-plaintiff submits that the Courts below have ignored the marked document, i.e., marked E which shows that appellant was in possession of the suit property

and writing has been done by the erstwhile owner of the property, i.e., Amar Singh. The possession is long, continuous since 25 years. Since the defendant was openly proclaiming to interfere and dispossess, the suit aforementioned was filed but the same has been dismissed and thus, urges this Court for setting aside the findings under challenge.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that the plaintiff has miserably failed to discharge the onus as enshrined under Section 101 of the Indian Evidence Act, in the absence of any documentary evidence qua possession. The marked document is a self serving document which has not been proved in accordance with law. In order to establish the possession of the house and to seek relief in respect thereof, there were certain other documents, such as Voter Card, I-Card, Ration Card or License but the same were not produced. Having not done so, the Courts below have rightly declined the relief.

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

November 21, 2016

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No