IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No.4063 of 2015 (O&M)
Date of decision:19.08.2016

Ravinder Kaur ... Appellant

Vs.

Tarlok Singh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Karanjit Singh, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.9905-C-2015

For the reasons stated in the application, duly supported by an affidavit, delay of 18 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.4063 of 2015 (O&M)

Appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, suit for permanent injunction seeking injunction against the respondent-defendant qua forcible possession, has been declined by both the Courts below.

Mr. Karanjit Singh, learned counsel appearing on behalf of the appellant-plaintiff submits that the property in dispute was purchased by the plaintiff, vide sale deed dated 14.08.2003. It is sufficient document to establish the possession. The plaintiff and defendants are in joint possession of the property. The remedy, if any, for the respondent-defendants, is to seek partition, in case, they are aggrieved of the exclusive possession of the

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plaintiff. All these facts have not been noticed by the Courts below and therefore, there is illegality and perversity in the judgments and decrees and thus, urges this Court for formulating the substantial questions of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that there is no force and merit in the submissions of Mr. Karanjit Singh, for, except sale deed, *ibid*, no other document has been placed on record. It is cardinal rule in a suit for permanent injunction, the plaintiff has to discharge the onus vis-a-vis possession. In my view, the plaintiff has failed to discharge the onus. Neither any direct and cogent, much less, corroborative evidence has been brought on record. The sale deed does not show that the appellant has put in possession so that he can seek injunction.

For the foregoing reasons, 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 adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

August 19, 2016
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Wheather speaking/reasoned Yes/No

Whether Reportable Yes/No

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