

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-584-2016(O&M)

Date of decision : 08.02.2016

Shiromani Gurudwara Parbandhak Committee (S.G.P.C.)

... Appellant

Versus

Parmeshwar Dass and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Paramjit Singh Thiara, Advocate
for the appellant.

REKHA MITTAL. J.

The present regular second appeal has been directed against the consistent findings recorded by the Courts below whereby the suit filed by the respondents for permanent injunction restraining the appellant from interfering in peaceful possession of the respondents on the suit land has been decreed by the learned trial Court and the judgment and decree passed by the trial Court has been affirmed in appeal.

As per case set up by the respondents, the suit land measuring 5 bighas out of khasra No.602/1 was purchased by the respondents through two sale deeds to the extent of 2 bighas 10 biswas each. Earlier to them, Shawinder Dass and Smt. Rajinder Kaur purchased the entire land measuring 7 bighas 7 biswas comprised in khasra No.602/1 from Dera

Akhara Panchayati Kalan through its attorney Gurcharan Singh vide four sale deeds, detailed in para 2 of the judgment of the trial Court. It was pleaded that the appellant/defendant is trying to interfere in peaceful possession of the respondents of the suit land.

Counsel for the appellant has fairly conceded that the appellant does not dispute ownership of the respondents on the basis of sale deeds propounded by them but they have failed to adduce any evidence to prove their possession in order to entitle them to seek injunction against alleged intervention in their peaceful possession.

I have heard counsel for the appellant, perused the records and find that the appeal is devoid of merit and deserves to be dismissed.

Counsel for the appellant has fairly conceded that he has nothing to submit to dispute ownership of the respondents in view of the registered sale deeds Ex.PW5/3 and PW4/4. As the defendant/appellant has also admitted possession of the respondents, the respondents were not required to adduce any evidence to establish their possession as there cannot be any better evidence than admission made by a contesting party. Even otherwise, the respondents led sufficient evidence to prove their possession in respect of the suit land and the findings recorded by the trial Court have been duly affirmed by the Court in appeal. I do not find any ground to intervene in the concurrent findings recorded by the courts below when otherwise no substantial question of law arises for adjudication.

For the foregoing reasons, the appeal fails and is accordingly dismissed with no order as to costs.

(REKHA MITTAL)
JUDGE

February 08, 2016.
Davinder Kumar