

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

**RSA No.279 of 2014 (O&M)
Date of decision:08.11.2016**

Kulwinder Singh

... Appellant

Vs.

Municipal Council Adampur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Krishan Sehajpal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.644-C of 2014

For the reasons stated in the application, duly supported by an affidavit, delay of 181 days in re-filing the appeal is condoned.

C.M. stands disposed of.

C.M.No.645-C of 2014

For the reasons stated in the application, duly supported by an affidavit, delay of 103 days in filing the appeal is condoned.

C.M. stands disposed of.

RSA No.279 of 2014 (O&M)

The appellant-plaintiff is aggrieved of the partly decreeing of the suit seeking permanent injunction qua forcible interference and

dispossession.

Mr. Krishan Sehajpal, learned counsel appearing on behalf of the appellant-plaintiff submits that khasra no.22 was owned by father of the plaintiff out of the land measuring 12 kanals 4 marlas and also khasra no.14//1/2. Both the Courts below granted the injunction with regard to khasra no.14//9(2-4), 14//1(8-0), 14//2(8-0), 14//10(7-10) only. The property bearing Khasra no.22 (1-0) is not in ownership of the Municipal Council, Adampur and thus, the findings are not correct as per the revenue record and urges this Court that suit is liable to be decreed in toto.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below and of the view that as per the revenue record brought on record, the property bearing khasra no.14//9(2-4), 14//1(8-0), 14//2(8-0), 14//10(7-10) is in possession of the plaintiff and he is not in possession of khasra no.22(1-0) for which the injunction has been sought for and rightly so, the Courts below granted the injunction in respect of the khasra number as mentioned above. Thus, in the absence of the oral and documentary evidence, much less, revenue record brought on record, the Courts below have rightly declined the injunction in respect of khasra no. 22(1-0).

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 08, 2016
savita

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