

R.S.A. NO.2909 OF 2014 (O&M)

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

C.M. NO.6908 C OF 2014 &

R.S.A. NO.2909 OF 2014

DATE OF DECISION: FEBRUARY 18, 2016

Mansa Ram and others

.....Appellants

VERSUS

Raj Pal and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Krishan Singh, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree dated 03.10.2011 passed by the Civil Judge (Junior Division), Karnal, whereby the suit for permanent injunction filed by the respondent-plaintiffs, restraining the appellant-defendants from dispossessing them or interfering in the suit land in any manner with their peaceful possession, stands dismissed, appeal against which preferred by the appellant-defendants has also been dismissed by the Additional District Judge, Karnal, on 11.03.2014.

It is the contention of learned counsel for the appellant-defendants that the judgments and decree passed by the Courts below cannot sustain as the same are not based on proper appreciation of the pleadings and the evidence brought on record. He contends that possession

of the land is of the appellant-defendants and the said fact having been established, there was no question of granting injunction, showing the respondent-plaintiffs to be the owners in possession of the property. He, thus, contends that the present appeal may be allowed by setting-aside the judgments and decree passed by the Courts below.

I have considered the submissions made by learned counsel for the appellants and with his assistance have gone through the impugned judgments.

A perusal of the judgments would show that the respondent-plaintiffs have produced on record evidence, which clearly shows that possession of the property is with them and once the same has been established on the basis of revenue record and there being no contrary evidence which would dent the entries made in the revenue records, the presumption with regard to those entries is correct and no fault can be found in the impugned judgments.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.6908 C of 2014 for staying the execution of judgment and decree dated 11.03.2014 passed by the Additional District Judge, Karnal, is also dismissed.

February 18, 2016
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE