IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.914 of 2016 (O&M)
Date of Decision: February 26, 2016.

Amarjit Singh

.....APPELLANT(s).

VERSUS

Mohinder Singh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Tribhuwan Singla, Advocate
for the appellant (s).

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SURINDER GUPTA, J.

Heard.

2. This is second appeal filed by Amarjit Singh against the judgment and decree passed by Civil Judge (Junior Division), Nakodar, dismissing his suit seeking the relief of permanent injunction to restrain the defendant from interfering in his possession over the land bearing khasra No.3//12(3-9) situated in the area of village Beetal, Tehsil Nakodar, District Jalandhar.

3. Admittedly, this land was allotted to the respondent-defendant under the provisions of Punjab Package Deal Properties (Disposal) Act by the Department of Sales. The appellant-plaintiff has challenged that allotment and the matter is still pending before the concerned authorities.

Learned Civil Judge decline the relief of injunction to the

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appellant-plaintiff on the ground that he has not been able to produce on record any document substantiating his plea of possession over the suit land. The order of correction of entry in the khasra girdawari dated 03.08.2006 passed by Assistant Collector 1st Grade Nakodar in favour of plaintiff had already been set aside by Sub Divisional Magistrate, Nakodar and the order of Sub Divisional Magistrate, Nakodar was further upheld by Commissioner, Jalandhar Division, Jalandhar.

4. Learned counsel for the appellant has referred to a report dated 17.09.2015 (Annexure A-1) made by Tehsildar, Nakodar to the Chief Sales Commissioner, wherein he has stated that the land in dispute was actually in possession of appellant-plaintiff but the entries in the khasra-girdawari from 1993 to 1998 regarding the suit land were in the name of respondent-defendant. Learned counsel submits that he wants to prove this report by way of additional evidence and has moved an application for permission to lead additional evidence along with this appeal.

5. Admittedly, the respondent-defendant is owner of the suit land and appellant-plaintiff has no document in his favour to show that he is in possession of the same. Though the proceedings seeking allotment of the land filed by appellant-plaintiff are stated to be pending but suit land has not been allotted to him. The report dated 17.09.2015 made by Tehsildar has no basis as it was made during the pendency of the suit and is against the entries of possession of suit land recorded in the khasra-girdawari. This is a report submitted before Chief Sales Commissioner and may be considered by him in appropriate proceedings, however, for the purpose of deciding instant suit, this report is not relevant particularly in view of orders of Sub Divisional

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Magistrate, Nakodar and Commissioner, Jalandhar Division, Jalandhar, setting aside order of Assistant Collector 1st Grade, Nakodar regarding possession of plaintiff over suit land in khasra-girdawari. Consequently, the application seeking permission to lead additional evidence stands dismissed.

6. In the absence of any evidence, the Courts below have committed no error of law of fact while declining the relief of injunction as sought by the appellant-plaintiff.

7. On perusal of the record and judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference.

8. No substantial question of law requiring determination arises in this appeal, which has no merits.

9. Dismissed.

(SURINDER GUPTA)
JUDGE

February 26, 2016.
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