

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

RSA No.3260 of 2014 (O&M)

Date of Decision.11.08.2016

Bahal Singh

.....Appellant

Vs.

Teja Singh and others

.....Respondents

Present: Mr. Sanjiv Gupta, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

AMIT RAWAL J. (ORAL)

The appellant-defendant No.1 is aggrieved of the concurrent finding rendered by both the Courts below whereby the suit of the respondents-plaintiffs seeking permanent injunction against the defendants from interfering with the peaceful possession and forcible dispossession on the basis of revenue record has been decreed.

Mr. Sanjiv Gupta, learned counsel for the appellant-defendant submits that prior to the filing of the present suit, appellant-defendant and Teja Singh-plaintiff filed a suit against one Kashmir Singh, which was decreed and it was found that both of them were in possession. Ved Parkash, co-sharer of the property allegedly sold the land to Kashmir Singh and the same was challenged by the appellant-defendant which was set aside on the ground that he did not have saleable interest. With the connivance of the revenue officials, the respondent-plaintiff got entries in the revenue record qua possession in his favour. Even the matter was referred to the Panchayat and before the Panchayat, he agreed about the aforementioned facts, which is Ex.DW3/B, yet the Courts below ignoring

setting aside of the judgments and decrees passed by the Courts below in view of the judgment and decree already passed in favour of defendant No.1 and injunction ought not to have been granted to the plaintiff.

I have heard learned counsel for the appellant-defendant, appraised the paper book and of the view that once, right or wrongly, entry in the revenue record is entered in the name of the respondent-plaintiff, the appellant-defendant was not precluded to seek the declaration as per Section 45 of the Punjab Land Revenue Act by filing civil suit or counter claim. In the absence of the same, the Court had no occasion but to examine the revenue record and grant injunction order. It is settled law that a person in long and settled possession cannot be dispossessed forcibly and illegally either through him or his agent or assignee except in due course of law.

For the foregoing reasons, I do not find any illegality and perversity in the judgments and decrees passed by the Courts below, much less, no substantial question of law arises for consideration in the second appeal.

The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 11, 2016
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No