

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

**Regular Second Appeal No.3368 of 2014 (O&M)
Date of Decision: January 14, 2016.**

Banaraso Devi

.....APPELLANT(s).

VERSUS

Kundan Lal

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K. Arya, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Heard.

2. Appellant-plaintiff filed suit seeking the relief of injunction restraining the respondent-defendant from interfering in her possession over the plot measuring 7 feet X 10 feet, as fully described in the head note of the plaint, claiming that she is owner in possession of the suit property.

3. Both the Courts below discarded the contention of plaintiff in view of her admission while appearing as PW1 that defendant had constructed a '*flush-toilet*' on the disputed plot and she raised no objection in this regard. The witnesses of the plaintiff have also deposed on the same lines. The matter was also reported to the Panchayat and a writing took place on 07.01.2007. In that writing, possession of defendant over the disputed plot was recorded.

4. As per the site plan Ex./P1, proved on record, the disputed plot is surrounded on two sides by the property of defendant and from the statement of plaintiff and her witnesses, the Courts below have committed no error of law or fact while concluding that the defendant is in possession of the disputed plot. The ownership of the plot was not a matter to be decided by the Courts below in this case and the plaintiff has separate remedy in this regard.

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

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

7. Dismissed.

January 14, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE