

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

RSA No.3620 of 2014 (O&M)

Date of Decision.02.08.2016

Hukam Singh and another

.....Appellants

Vs.

Kartar Singh and another

.....Respondents

Present: Mr. Arun Singla, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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AMIT RAWAL J. (ORAL)

The appellants-plaintiffs are aggrieved of the judgment and decree rendered by the lower Appellate Court whereby the suit for permanent injunction seeking restraint from forcible interference and dispossession had been dismissed by setting aside the judgment and decree passed by the trial Court.

Mr. Arun Singla, learned counsel appearing on behalf of the appellants-plaintiffs submits that the trial Court on the basis of Ex.PF and photographs found that the appellants-plaintiffs had been using the *Bara* adjoining the house in dispute and therefore, granted the injunction restraining the defendants from forcibly interfering with the peaceful possession of the plaintiffs but the lower Appellate Court disbelieved the aforementioned documents and set aside the decree. Once the aforementioned documents clearly established the possession of the plaintiffs, the reasoning rendered by the lower Appellate Court is not only

fallacious but perverse, thus, urges this Court for setting aside the judgment and decree passed by the lower Appellate Court by formulating the substantial questions of law carved out in the memorandum of appeal.

I have heard learned counsel for the appellant and appraised the paper book. Ex.PF though had been exhibited but not proved in accordance with law. It is settled law that mere exhibition of the document does not dispense with proof of the same, as laid down by the Supreme Court in *Sait Tarajee Khimchand And Ors. vs Yelamarti Satyam Alias Satteyya and others AIR 1971 SC 1865*. Moreover, no evidence from the Gram Panchayat i.e. no Panch or Sarpanch has been examined. Photographs have also not been proved.

In the absence of the aforementioned, the appellants-plaintiffs had failed to prove their possession and the lower Appellate Court has rightly reversed the judgment and decree passed by the trial Court after appreciating the documentary as well as the oral evidence. No ground for interference is made out, much less, no substantial question of law arises for consideration. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

August 02, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No