

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

RSA No.4530 of 2014 (O&M)

Date of decision:02.08.2016

Satish

... Appellant

Vs.

Gram Panchayat of village Balam and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. C.B.Goel, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is aggrieved of the concurrent findings of the facts and law, whereby, suit seeking permanent injunction with regard to the area shown by letters 'ABCD' in the site plan, Ex.P1, has been dismissed.

Mr.C.B.Goel, learned counsel appearing on behalf of the appellant-plaintiff submits that as per the site plan, Ex.P1, the area marked with letters 'ABCD' is being used for tethering cattle as it is not part of the suit property, therefore, the findings rendered in the previous suit are perverse. As noticed by the trial Court, the said findings would not be binding upon the rights of the appellant. The trial Court has not assigned any reasons, much less, cogent reasons in rejecting the site plan. There is gross misreading of the evidence, much less, cross examination. In this background of the matter, after hearing learned counsel for the appellant,

this Court has summoned the record and thus, urges this Court for formulating the substantial questions of law as culled out in the memorandum of appeal.

I have heard learned counsel for the appellant-plaintiff and appraised the judgments and decrees of the Courts below.

In cross examination, PW3 - Satish Kumar admitted the photograph Ex.D1 and as well as, the factum of area for which injunction was sought, which has been made pucca by Gram Panchayat. The photograph does not reflect the area was being used for tethering the cattle. It is in this background of the matter, the Courts below rejected the injunction. I have also gone through the record and of the view that the plaintiff in cross-examination categorically admitted with regard to existence of possession as reflected in the site plan Ex.P1.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less, no substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

August 02, 2016
savita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No