

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

**CM No. 3657-C of 2016 in/and
RSA No. 5944 of 2014
Date of decision : April 6, 2016**

Lachhman Singh Gondara

..... Appellant

Versus

Gurdeep Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. B. D. Sharma, Advocate
for the applicant-appellant.

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?

Amit Rawal, J (oral).
CM No. 3657-C of 2016

For the reasons stated in the application, application
is allowed.

The appeal is restored back to its original number.

RSA No. 5944 of 2014

The appellant-defendant is aggrieved of the judgment and decree of the lower appellate court whereby the suit for permanent injunction restraining the defendants from causing any interference into the peaceful possession of the plaintiff except in due course of law has been allowed.

Learned counsel for the appellant-defendant

submits that the trial court on the basis of evidence dismissed the suit holding that the plaintiff has not been able to rebut the revenue entries, therefore, ownership of Lachhman Singh was declined but the appellate court relied upon the entries recorded in the name of his father who died long time back, thus, those entries could not have been looked into. As per revenue record Lachhman Singh is owner of the property, therefore injunction could not have been granted, thus beseeches the leave of this Court to formulate substantial questions of law as carved out in the Memorandum of Appeal for determination by this Court.

I have heard learned counsel for the appellant and appraised the paper book and of the view that the judgment and decree rendered by the lower appellate court the controversy qua title has not been decided. It is only simpliciter suit for injunction which has been granted by taking into consideration the entry in column No. 5 viz-a-viz possession. No where it has been held that plaintiff is owner. Nothing prevented the appellant-defendant in seeking possession in accordance with law inasmuch as that the appellant-defendant has failed to prove that he is owner in possession of the property, for which injunction was sought.

In view of the aforementioned facts, I do not intend to differ with the finding rendered by the lower appellate court which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgment and decree of the lower appellate court.

No substantial question of law arise for determination by this Court.

In view of what has been observed above, the appeal is devoid of merits, accordingly, the same is dismissed.

**(AMIT RAWAL)
JUDGE**

**April 6 , 2016
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