

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 6332 of 2014(O&M)
Date of decision : March 22, 2016

Ravinder Kumar

..... Appellant

Versus

Hardev Kaur and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ajay Pal Singh, Advocate
for the 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).

The appellant-plaintiff is aggrieved against the concurrent finding of fact whereby the suit for permanent injunction restraining the defendants, agents and servants from interfering in the peaceful possession of the plaintiff as the property in dispute was ancestral/co-parcenary has been dismissed.

Learned counsel appearing on behalf of the appellant submits that in order to prove the possession umpteen number of documentary evidence has been placed on record i.e, electricity bills etc. but the same have been ignored by the courts below but on the contrary, the courts below have relied upon photocopy of the electricity bill and passport of the

plaintiff which was not permissible in evidence.

It is a settled law that a person who is in long and settled possession cannot be dispossessed except in due course of law. The remedy, if any, for the defendants is to take recourse to the law by following an appropriate procedure but cannot forcibly dispossess the person in settled possession, thus urges this Court to formulate substantial questions of law.

I have heard learned counsel for the appellant, appraised the paper book and of the view that there is no substance and merit in the submissions of the learned counsel for the appellant for the reason that electricity bills are not in the name of Kishan Singh @ Kishan Ram alleged grand father of the plaintiff. No evidence has been lead to prove that plaintiff was actually son of Rurldu Ram s/o Kishan Singh @ Kishan Ram. The plaintiff has not been able to prove the relationship. The electricity bills are in the name of Kishan Singh @ Kishan Ram. In the absence of any relationship, the appellant-plaintiff cannot be permitted to take the plea of co-parcenary property and in the absence of any pedigree table or excerpt, much less lineage that he is descendent from Kishan Singh @ Kishan Ram, the plaintiff has miserably failed to prove the averments made in the suit, rightly so, both the courts below have dismissed the suit.

I do not intend to differ with the finding rendered by both the courts below which is based on appreciation of oral and documentary evidence. There is no illegality or perversity in the aforementioned judgments and decrees of the courts below.

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

March 22, 2016
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