

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

**RSA No.2404 of 2010 (O&M)
Date of Order: 25.09.2017**

Gurjinder and others

..Appellants

Versus

Karnail Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Partap Singh, Advocate,
for the appellants.

Mr. S.K.Jain, Advocate,
for the respondents.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in regular second appeal against the judgment passed by the learned Additional District Judge, SAS Nagar, Mohali.

Plaintiffs had filed a suit for permanent injunction against the defendants-appellants.

Learned first appellate Court after relying upon the admission made by Sardara Singh, the only witness, examined by the defendants has recorded a finding that the plaintiffs are in possession of the disputed land. Such finding is not being challenged or shown to be erroneous.

Counsel for the appellants has tried to persuade me to examine the issue of entitlement of the defendants. This suit is only for permanent injunction. Courts below did not frame any issue on entitlement of the property.

In view of the fact that the dispute is only with regard to

possession in the present litigation, there is hardly any scope for interference particularly keeping in view the admission made by Sardara Singh, the only witness, examined by the defendants. However, defendants shall be at liberty to establish their title, in an appropriate proceedings and seek possession, if they so desired.

In view thereof, I do not find any good ground to interfere with the findings of fact arrived at by the first appellate Court. The regular second appeal is dismissed.

September 25, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No