

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

RSA No. 1911 of 2013 (O&M)
Date of decision : August 24, 2017

Nirmal Singh and another

..... Appellants

v.

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Nakul Sharma, Advocate
for the appellants.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit for injunction filed by the appellants.

The appellants filed the instant suit in the month of December 2009 claiming that they were in possession of 14 kanals of land in village Langeana, Tehsil and District Ferozepur, abutting the canal. It was admitted that the land belonged to the provincial government. It was also admitted that it was only in February 2009 that the Assistant Collector 2nd Grade corrected the girdawari in favour of the appellants w.e.f Sauni 2008.

The case of the respondents on the other hand was that the appellants were rank trespassers and various proceedings had been initiated to evict them from the land.

Both the Courts below held that merely by showing the correction of khasra girdawari and without explaining how and in what

circumstances the appellants had come into possession of the land in dispute, they could not be granted the relief of injunction.

Counsel for the appellants has relied upon the decision of the Supreme Court in Ramji Rai v. Jagdish Mallah (Dead) through LRs 2007(3) RCR (Civil) 680 to contend that it was held that for the purpose of injunction only possession had to be seen. However, it has to be mentioned that in that case, there was a dispute regarding title and it was in that context that the Supreme Court held so, whereas in the present case there is no dispute regarding title.

Counsel for appellants has further relied upon the decision of the Supreme Court in Sri Thimmaiah v. Shabira 2008(1) RCR (Civil) 915 where also it was held that for granting injunction the plaintiff has to prove that he was in possession. It may be noticed that in that case also there was a dispute regarding title. Consequently, not much weight can be given to both these decisions for the purpose of the present case. Resultantly, finding no merit in this appeal, the same is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 24, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No