

208

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

**RSA No.209 of 2013 (O&M)
Date of Decision: 08.09.2017**

KIRAN DEVI

.....Appellant

Vs

RAJ & ORS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Kul Bhushan Sharma, Advocate
for the petitioner.

Mr. Pritam Saini, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

After hearing this case for some time with the assistance of leaned counsel for the parties, I find that there is a consensus on the issue of alleged encroachment of *Khasra* No.103 belonging to the plaintiff/appellant.

The finding of fact has been recorded by the lower Appellate Court in para No.30 of its judgment that the plaintiff was proved to be exclusive owner of *Khasra* No.103, but the suit for permanent injunction was declined on the ground of concealment and suppression of relevant facts in the context of not proving the encroachment on *Khasra* No.103 by the defendants, who are owners of *Khasra* No.104.

On the basis of consensus reached between the parties, it can be noticed that the suit for permanent injunction in respect of the suit land except the area under alleged encroachment can be decreed in favour of the plaintiff/appellant and *qua* the encroached area, the plaintiff can be relegated to his legal remedies including the suit for possession. In the event of filing such suit, the same shall be decided in accordance with law.

With the aforesaid observations, this appeal is disposed of.

September 08, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No