

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

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RSA No.1602 of 2015 (O & M)
Date of Decision:20.11.2017

Ashwani Kumar and another

...Appellants

Versus

Babu Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Bhardhwaj, Advocate
for the appellants.

ANIL KSHETARPAL, J.(Oral)

Plaintiffs-appellants are in regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiffs filed a suit for permanent injunction claiming that they are tenant over the shop pursuant to allotment in the year 2000 by the Punjab Wakf Board. On the other hand, defendants pleaded that the allotment/lease in favour of the plaintiffs has been cancelled by the Punjab Wakf Board on 31.05.2005.

Both the Courts after appreciating the evidence available on the file, dismissed the suit filed by the plaintiffs holding that the plaintiffs have no right to stay in the shop with respect to half portion of the shop after 31.05.2005, when the allotment of the half share of the shop was cancelled.

Learned counsel for the appellants has vehemently argued that possession of the appellants may be unauthorized but their possession has to be protected from forcible dispossession.

It is not disputed before me that the plaintiffs have no right with regard to half portion of the shop particularly after 31.05.2005, when

Wakf Board cancelled the lease with regard to one half portion of the shop in question. Plaintiffs and defendants both are near relatives, their ancestor Rasila Ram was the tenant over the shop and thereafter, they have been fighting among themselves and trying to get hold of the property from Punjab Wakf Board. Since the cancellation of lease deed with regard to half portion of the shop is not under dispute, therefore, plaintiffs-appellants are not entitled to any injunction.

In view of the aforesaid, there is no good ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Hence, this regular second appeal is dismissed.

20.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No