

RSA No.2758 of 2015 (O&M)

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

RSA No.2758 of 2015 (O&M)

Date of decision: 07.07.2017

Ballo

.....Appellant

versus

Sohan Lal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. B.S. Tewatia, Advocate, for the appellant.

RAMENDRA JAIN, J. (ORAL)

Put pithily, Sohan Lal – respondent No.1, filed a suit for permanent injunction against the appellant and perma respondent No.2 to restrain them from interfering into his peaceful possession over house No.129, situated at Village Daultabad, Sector 16-A, Faridabad or from dispossessing them illegally and forcibly from the aforesaid house. Appellant and his brother respondent No.2 contested the suit claiming themselves to be the owner in possession of the suit property by way of inheritance since the time of their ancestors. They denied the claim of respondent No.1/plaintiff qua title and possession and prayed for dismissal of the suit. The appellant also filed a counter-claim seeking relief of permanent injunction for restraining respondent No.1/plaintiff from interfering into their peaceful possession.

After framing issues and recording evidence of both the sides to

their satisfaction, trial Court decreed the suit in favour of respondent

RSA No.2758 of 2015 (O&M)

No.1/plaintiff vide judgment and decree dated 12.06.2012 and restrained the appellant and proforma respondent No.2 from dispossessing him from the suit property, except in due course of law. The counter-claim of the appellant was rejected. Being dissatisfied, the appellant preferred an appeal before the first appellate Court, which too resulted into dismissal vide judgment and decree dated 17.10.2014.

Hence, by way of present regular second appeal, defendant No.1 has challenged the judgment and decree dated 12.06.2012 as well as the judgment and decree dated 17.10.2014 passed by the Courts below.

Learned counsel for the appellant contended that both the Courts below have erred in decreeing the suit of respondent No.1/plaintiff and dismissing their counter-claim. Appellant and respondent No.2 are the owners of the property in question and had allowed the respondent No.1/plaintiff, being their brother-in-law, to reside therein as licensee, which was terminated in the year 2006.

I have given my anxious consideration to the submissions made by learned counsel for the appellant.

Admittedly, appellant and respondent No.2 had not produced any documentary evidence before the trial Court qua their title over the suit property. Contrary to it, respondent No.1/plaintiff has produced municipal record Ex.P.1 to P-3 in support of his claim of ownership and possession over the suit property. As per own stand of the appellant, the plaintiff was allowed to reside as a licensee in the suit property, but have not adduced any evidence with regard to revocation of the license. Concurrent findings are recorded by both the Courts below against the appellant. No substantial

question of law has been raised or arise for consideration in this appeal.

RSA No.2758 of 2015 (O&M)

I have gone through the impugned judgments and find no illegality or perversity in the same.

In view of above, present appeal, being completely devoid of any merit, is hereby dismissed.

(Ramendra Jain)
Judge

July 07, 2017

R.S.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No.