

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4893 of 2015 (O&M)

Date of decision: 13.11.2017

Harbans Singh and another

..... Appellants

Versus

Bachan Singh (since deceased) through LRs
Pritpal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Sandeep Jain, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

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

Plaintiff filed a suit for permanent injunction with respect to the land measuring 10 kanals. On the other hand, defendants pleaded that the suit property is in their possession and the State Government is owner of the same. Both the Courts after appreciating the evidence available on the file held that the plaintiff is in possession of the property and the defendants have failed to prove any right, title or interest in the property. The Courts have further held that the plaintiff had succeeded in proving possession on the land in dispute.

It is the case of the defendants-appellants that there were number of agreements to sell in their favour. Plaintiff had only executed a sale deed in favour of the defendants with respect to measuring 11 acres of land. It is the claim of the defendants-appellants that while executing the sale deed, the possession of the entire land was given to them. However,

defendants-appellants failed to produce evidence to prove their possession.

It is not in dispute that suit for specific performance of agreement to sell filed by the defendants-appellants is pending in the Court. In this suit which is only for injunction, the Court is concerned about the factum of possession. Plaintiff has proved his possession on the basis of evidence led by him.

Taking into consideration the aforesaid fact, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

Appeal is dismissed.

13.11.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No