

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

204

**RSA No.3290 of 2014 (O&M)
Date of decision: 06.12.2017**

Baljinder

..... Appellant

Versus

Ram Kali and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. J.S. Cooner, Advocate
for the appellant.

Mr. J.S. Saneta, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-appellant is in regular second appeal against the concurrent findings of fact arrived at by both the Courts below.

Plaintiff filed a suit for permanent injunction restraining the defendants from interfering in his peaceful possession. Both the Courts below after appreciating the evidence available on the file dismissed the suit after recording a finding that neither the plaintiff has been successful in proving his title nor his possession.

I have heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below as well as the record.

Learned counsel for the appellant has submitted that the plaintiff had produced a copy of the sale deed with respect to the adjoining

land purchased by the father of the plaintiff on 16.03.2006. He has submitted that in the aforesaid sale deed, it is recorded that towards eastern side of the property purchased, property is of Amar Singh i.e. father of the plaintiff.

He submits that in the absence of any other document, the sale deed of the adjoining property ought to have been considered by the Court to arrive at a finding that the plaintiff was owner in possession.

I have considered the submission. It is not in dispute that the sale deed is not with respect to the property in dispute. In the earlier sale deed which is Ex.PX on the file, it is mentioned that on the eastern side, there is other property of Amar Singh. The sale deed had been executed by Ram Kumar who is not one of the defendants in the present suit. It is not even the allegation that defendants are related to Ram Kumar. Ownership of the property is to be proved by leading cogent evidence. It cannot be proved by providing a sale deed of adjoining property.

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

Appeal is dismissed.

06.12.2017

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No