

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

RSA No.2427 of 2017 (O&M)

Date of decision : 10.11.2017

Rajinder Singh

...Appellant

Versus

Jarnail Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Chahal, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM No.5896-C of 2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 18 days in refiling the appeal is condoned.

Application is allowed.

CM No.13754-C of 2017

Application is allowed.

Amended grounds of appeal is taken on record, subject to all just exceptions.

Main case

The plaintiff-appellant is in Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below.

The plaintiff had filed a suit for permanent injunction

restraining the defendants from interfering in the possession of the plaintiff from the constructed house.

The defendants contested the suit and pleaded that the flour mill, saw mill and cotton spindle had come to the share of the defendants and the same is being used by them since 1992.

It was further asserted that the plaintiff had transferred the rights in the flour mill and even electric connection was sold to the defendants. It was further asserted that the plaintiff vide his affidavit dated 05.03.1992 admitted this fact.

Both the Courts below on appreciation of the evidence have found that the plaintiff has failed to prove his case. The Courts below have noticed that in the cross-examination, the plaintiff has admitted the execution of the affidavit dated 05.03.1992.

I have heard the learned counsel for the appellant at length. He has submitted that the affidavit dated 05.03.1992 is only with respect to a electric connection and, therefore, the property could not be held to have been transferred.

Learned trial Court has noticed that the plaintiff has admitted that he has also purchased one house in the area of Lakshri Patti. Still further, the Courts below have also noticed that the plaintiff has failed to produce original electricity bills on the file. The Courts below have drawn inference that since the plaintiff failed to produce the original electricity bills, therefore, the case set-up by the defendants is correct. The present suit is only for injunction.

Both the Courts below on appreciation of the evidence have

recorded the concurrent findings of fact against the plaintiff. Such findings of fact are not shown to be perverse or erroneous.

In these circumstances, this Court is unable to interfere with the concurrent findings of fact arrived at by the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications are disposed of, in view of the abovesaid judgment.

10.11.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No