

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

**RSA No.2898 of 2017 (O&M)
Date of Order:01.08.2017**

Balwinder Singh

..Appellant

Versus

Baljit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harjot Singh Mann, Advocate,
for the appellant.

ANIL KSHETARPAL, J.

Defendant is in Regular Second Appeal against the concurrent findings of fact, arrived at by the Courts below.

Plaintiff had filed a suit for permanent injunction restraining the defendant from interfering into peaceful possession of the plaintiff as tenant. Subsequently, relief of mandatory injunction was also added for issuance of directions to the defendant to remove the lock installed on the outer door/shutter of the shop forcibly and illegally, during the pendency of the suit.

Defendant appeared and contested the suit, admitting that the plaintiff was a tenant but the plaintiff had surrendered possession in the year 2014.

Learned trial Court after appreciating the evidence available on the file, decreed the suit filed by the plaintiff and directed the defendant to remove the locks installed on the outer door/shutter of the shop in dispute.

The relief of permanent injunction was also granted restraining the

defendant from interfering in the peaceful possession of the plaintiff.

First appeal filed by the defendant-appellant has been ordered to be dismissed by the learned Additional District Judge, Amritsar, vide judgment and decree dated 12.12.2016, after re-appreciating the evidence available on the file.

Learned counsel for the appellant has submitted that the judgments and decrees passed by the courts below are result of misreading of evidence. Learned counsel for the appellant has submitted that it is established on the file that the plaintiff had surrendered possession and thereafter the defendant-appellant had put lock.

I have considered the arguments made by learned counsel for the appellant.

However, I am unable to agree with him. Both the Courts below concurrently found the story put up by the defendant of plaintiff having surrendered the possession is not established on the file. Counsel for the appellant has not been able to establish any material misreading of evidence available on the file.

For the reasons recorded above, I do not find any reason to interfere with the concurrent findings of fact recorded by the Courts below. Therefore, the present regular second appeal is ordered to be dismissed.

August 01, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No