

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

RSA 6174/2014(O&M)

Date of decision:08.09.2017

Jasrat Singh and another

.....Appellants

v.

Hari Singh

.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Jayoti Parshad Sharma,Advocate for the appellants.

Jaswant Singh,J,(Oral).

Defendants are in second appeal against concurrent judgment passed by both the courts below.

Counsel for the defendants/appellants heard at length.

It is not in dispute that the respondent/plaintiff filed a suit for declaration that he is owner in possession of a *bara*(Plot) measuring 100 square yards and the defendants/appellants be restrained from interfering in the possession of plaintiff. Appellant/defendant has set up the plea that the plot in question was factually allotted to his daughter in the year 1987 and upon which a boundary wall had been constructed by the defendants. It was asserted that the plaintiff being owner of a large land holding was not eligible to be allotted the plot in question meant for landless people.

In view of the evidence adduced on record, the respondent/plaintiff was able to prove his allotment and possession by proving the gift deed Ex.P1 and document of possession as Ex.P-2. On the other hand DW-3 Ranjit Singh, Ex-Sarpanch summoned by the defendants admitted in his cross examination that the plot in question could not be allotted to the daughter of the defendant and also admitted his signatures on the gift deed, Ex.P-1 executed in favour of the plaintiff. He also conceded that there was no resolution passed for allotting the *bara* in question in favour of daughter of defendants. In view of such concurrent findings of fact, this Court is of the view that injunction suit has been rightly decreed in favour of the respondent/plaintiff.

Dismissed.

08.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No