

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

RSA No.2104 of 1985 (O&M)

Date of decision : 14.09.2018

Ajaib Singh

...Appellant

Versus

Bidhi Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kashmir Singh, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-appellant is in the Regular Second Appeal against the judgment passed by the learned First Appellate Court.

The plaintiff filed a suit for permanent injunction restraining the defendants from dispossessing the plaintiff who claimed the tenancy rights over the land measuring 26 bighas and 5 biswas on half share basis.

Defendant Nos.1 and 4 only contested the suit and admitted that the plaintiff is in possession of land comprised in khasra Nos.319/2, 320, 321 and 322, however, denied the possession of the plaintiffs over the land comprised in khasra Nos.271, 272/2/2.

Learned trial Court decreed the suit. However, learned First Appellate Court after re-appreciating the evidence found that the defendants are in possession of the land comprised in khasra Nos.271 and 272/2/2.

Thus, appeal was partly accepted.

Learned First Appellate Court while coming to a conclusion has considered the revenue entries and the evidence led before it. The First Appellate Court has also considered that the learned Assistant Collector, Ist Grade, Malerkotla had passed an order dated 29.12.1978, correcting the khasra girdawaries after inspection of the land.

The Court further noticed that a previous suit has already been dismissed as withdrawn and, therefore, the interim injunction granted stands vacated.

This Court has gone through the grounds of appeal.

It would be noticed that in the grounds of appeal, neither any misreading of the evidence has been pointed out nor the attention of the Court has been drawn towards any substantial error. Hence, the present Regular Second Appeal is dismissed.

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

14.09.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No