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

CR No. 7904 of 2018

Date of Decision: 21.11.2018

Ram Kumar

-Petitioner

Vs

Maya Devi and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mukand Gupta, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiff-petitioner filed a suit for permanent injunction on the ground of his being in possession as a tenant.

Earlier, suit was decreed exparte, however, the same was set aside at the instance of the defendants. In the written statement, defendants have set up a counter claim admitting the possession of the plaintiff but prayed for possession.

The application directing the defendants to lead evidence in prior point of time cannot be accepted in view of the fact that plaintiff has to prove his case on the strength of his evidence. Weakness in the case of the defendants cannot be a ground to decree the suit.

In order to maintain a suit for permanent injunction, plaintiff has to prove lawful capacity in which he is in possession of the suit property.

Dismissal of application filed by the plaintiff directing the defendants to lead evidence prior in point of time does not suffer with any error of jurisdiction.

This revision petition is totally devoid of merits and the same is accordingly, dismissed.

21.11.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |