

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

RSA No. 3491 of 2001 (O&M)

Date of decision : 12.10.2018

Smt. Pritam Kaur

..... Appellant

VS

State of Punjab and others

..... Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Ms. Ramneeq Kaur, Advocate, for the appellant.

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

Rajesh Bindal J.

The plaintiff is in appeal against the judgments and decrees of both the Courts below whereby the suit filed by her for permanent injunction has been dismissed.

The plaintiff filed the suit claiming that the defendants be restrained from cutting saffaida trees planted on the land owned by her.

A perusal of the judgment of the trial Court shows that the plaintiff herself did not appear in evidence rather her power of attorney Jarnail Singh had appeared as PW2. In defence the stand taken by the defendants was that the land was gair mumkin bandh, which was constructed by Drainage Department to protect the life and property of the residents of the area from floods. The property along the sides of bandh was transferred in favour of the department vide notification dated 3.5.1958. As per this notification, the Forest Department is in possession of the land. The

trees were planted way back in the year 1970, which are being maintained by the department. In support even the cash book was proved showing the expenditure incurred. In the evidence led by the plaintiff, she had produced jamabandi for the year 1991-92 and khasra girdawari. However, from the revenue record, it was established that the land in question was recorded as gair mumkin bandh. No trustworthy evidence was led by the plaintiff/appellant that she ever planted the trees.

For the reasons mentioned above, I do not find any perversity in the findings recorded by the Courts below, which are plain and simple findings of fact.

No substantial question of law arises.

The appeal is, accordingly, dismissed.

12.10.2018
vs.

(Rajesh Bindal)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No