

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

115

RSA-1322-2016 (O & M)
Date of Decision:10.10.2018

Mangat Singh

...Appellant

Versus

Kaka Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mohd. Yousaf, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

CM-3735-C-2016

Allowed as prayed for.

Main Case

Defendant No.3-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below. Although, initially the suit was filed for declaration as well as for permanent injunction, however, subsequently prayer for declaration was withdrawn and only suit for permanent injunction continued.

Both the Courts have found that pursuant to a lease deed which has subsequently been cancelled, the plaintiff-respondent is in possession of the property. It is for the Wakf Board to take action and seek possession after the cancellation of the lease deed. Defendant No.3 claims that he has been leased out 200 square yards of land out of the land which was given on

lease in favour of the plaintiff by the Wakf Board in the year 1977 for a period of 99 years. No evidence has been led to prove that when and how Wakf Board came in possession and when and how Wakf Board delivered possession to defendant No.3.

In such circumstances, there is no ground to interfere.

Regular second appeal is dismissed.

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

10.10.2018

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(ANIL KSHETARPAL)

JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No