

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

RSA-1325-2016

Date of decision: August 23, 2018

Nachhattar Kaur

...Appellant

Versus

Didar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jitender Singh Dadwal, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/respondent No.1 Didar Singh filed a suit for permanent injunction for restraining defendants from interfering into his peaceful possession over plot measuring 100 sq. yards, situated at Village Phullanwal, District Ludhiana, with the averments that he had purchased the said property vide sale deed No.15818 dated 03.08.1995 from Hadev Singh and since the date of purchase, he is owner in possession thereof. He had removed old boundary walls as well as room from the said plot. Mutation of the said property was also sanctioned in the name of the plaintiff. However, defendants without any right, title or concern, in order to grab the property, started claiming themselves to be owner of the same, on the basis of some false and frivolous document. They also tried

to dispossess the plaintiff from the suit property, but with the intervention of some respectable persons of the locality, they could not succeed in their evil design. Suit was resisted by the defendants. However, they did not file written statement and ultimately their defence was struck off by the trial court. After hearing both the parties and perusing oral as well as documentary evidence, the trial court decreed the suit, restraining the defendants from interfering in the possession of the plaintiff from the property in question. Findings were affirmed by the lower appellate court.

I find no infirmity with the findings arrived at by both the courts below. Possession of the plaintiff/respondent No.1 has been established from oral as well as documentary evidence led by him before the trial court and defendants had failed to refute the same. Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 23, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No