

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

**RSA No.1530 of 2016 (O&M)
Date of decision:27.11.2018**

Madan Lal s/o Mulakh Raj

... Appellant

Vs.

Madan Lal s/o Hari Chand

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vishal Munjal, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in claiming the injunction before the trial Court as well as in appeal at the appellate stage. The injunction was sought qua physical possession of the suit property and with regard to mutation bearing no.782.

The defendant opposed the suit by raising objection of concealment. The possession and ownership of the plaintiff was also denied.

The plaintiff in support of the averments brought on record jamabandi for the year 2004-05 as Ex.P1 and khasra girdawari as Ex.P4 to establish the possession.

Mr. Vishal Munjal, learned counsel appearing on behalf of the appellant-plaintiff submitted that both the Courts below have committed illegality and perversity in not granting the injunction. The ownership and possession of the suit property had been established through revenue record.

I am afraid the aforementioned argument is not sustainable, for, the revenue record i.e. mutation bearing no.782 established the transfer of 1/36 share total measuring 4 marlas out of the suit khasra number in favour of the plaintiff, who has been shown as co-sharer. Even the Housing Board Authority was not impleaded as party. The plaintiff failed to discharge the onus by leading evidence in tandem with the pleadings.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees under challenge which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

November 27, 2018
savita

Yes/No

Yes/No