

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

134

RSA-18-2016 (O&M)
Date of Decision : 14.11.2018

Subash Chand

....Appellant

vs.

Mohal Lal and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Vanita Sapra Kataria, Advocate
for the appellant(s).

Mr. Parminder Singh, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit for injunction filed by the appellant and also decreed the counter claim filed by the respondents with respect to the property measuring four Marlas situated in village Bhavnal Tehsil Mukerian, District Hoshiarpur.

Both the Courts below dismissed the suit inter alia on the ground that the appellant had not been able to establish the identity of the property. I have been taken through the record by the learned counsel for the appellant and I find that the appellant has not sufficiently described the property so as to enable the Court to come to a conclusion as to its exact identity and only boundaries have been mentioned. No khasra number has been mentioned and the boundaries which have been mentioned are so

vague that they can be applicable to some other property also. Learned counsel has tried to place reliance on an earlier judgment in a case between the appellant and some third person. The Courts below rightly held that the judgment would not be applicable to the present case.

In the totality of the circumstances, I am not persuaded to hold that the findings of the Courts below are either based on no evidence or on such perverse misreading of the evidence so as to justify interference of this Court in second appeal. The appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

14.11.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No