

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

RSA No.1822 of 2016 (O&M)

Date of decision : 18.04.2018

Sher Singh and others

...Appellants

Versus

Hans Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gupta, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiff had filed a suit for permanent injunction restraining the defendants from interfering in his ownership and possession with respect to the land comprised in khasra no.43/19.

The defendants contested the suit and pleaded that the correct description of the property has not been given and the property is in their possession. It was further pleaded that the plaintiff has no right, title or interest in the property.

Both the Courts below after appreciating the evidence available on the file have recorded the concurrent findings of fact that it is the plaintiff who is the owner of the property and after recording such finding, the Courts have granted injunction in favour of the plaintiff.

This Court has heard the learned counsel for the appellants at

length and with his able assistance gone through the judgments passed by both the Courts below.

Learned counsel for the appellants was fair enough to admit that there is no document on the file which proves that the defendants have any right, title or interest in the property. However, he submits that possession of the defendants is admitted by the plaintiff when he appeared in the witness-box and, therefore, the suit for injunction was not maintainable.

Counsel for the appellants has read-over the statement of the plaintiff. His contention is correct. The possession of the defendants is admitted. However, at the same time, one sentence cannot be read in isolation of entire statement. Complete statement of a witness is to be examined in totality. Further, the Court should not overlook the fact that the plaintiff is owner of the property. The defendants have no right, title or interest in the property. The property of the defendants is on the other side of the passage which fact has been found by the Courts below. No one in illegal and unauthorized possession can be granted any relief by the Court. Still further, it is well settled that in case of vacant land, possession follows title. Such being the position, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

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

18.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No