

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA-1964-2016 (O&M)
Date of Decision: 19.09.2018

Som Nath

--Appellant

Versus

Ram Kishan & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Parminder Singh, Advocate for the appellant.

TEJINDER SINGH DHINDSA.J (Oral)

A suit filed by the plaintiffs seeking relief of permanent injunction restraining defendants no.1 to 6 from selling more than their share in the suit land measuring 41 kanals 15 marlas situated in Village Kanwala, Tehsil & District Ambala was dismissed by the Trial Court on 6.2.2014. Civil appeal preferred by the plaintiff has met the same fate vide judgement dated 27.11.2015 passed by the learned Additional District Judge, Ambala.

Resultantly, plaintiff-appellant is in second appeal before this Court.

Counsel for the appellant has been heard at length.

Perusal of the impugned judgements would reveal that a concurrent finding has been recorded against the appellant to the effect that even though injunction was being sought for the defendants not to sell suit land beyond their share, yet, no evidence had been adduced in the shape of Jamabandis, mutation or revenue record reflecting the shares of the parties in question. It has further been observed that PW-1 Pyare Lal in his deposition before the court did not support even the averments contained in the plaint. No details were furnished either in the suit or during the

proceedings before the Trial Court by way of evidence as regards the precise property for which the injunction was being sought. Even though, plaintiffs had asserted that defendants are possessing share of 11 kanals 8 marlas but on the other hand defendants had led evidence to show that their share is only 13 kanals 18 marlas i.e. 4 kanals 13 marlas each in the name of the defendants. Courts below have also taken a view that the plaintiffs/appellants have failed to prove even the cause of action on the strength of which the suit for injunction had been instituted.

Counsel representing the appellants has not advanced any submission to show any perversity in the concurrent findings recorded by the courts below.

No basis for interference is warranted.

The appeal does not raise any question of law.

Appeal is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.09.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No