

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

RSA No.1967 of 2016(O&M)

Date of decision: 21.8.2018

Surjit Singh @ Jeeta

....Appellant

VERSUS

Dara Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Om Pal Sharma, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit filed by the respondent/plaintiff Dara Singh for permanent injunction restraining the defendant/appellant from interfering in peaceful possession of the plaintiff over plot measuring 160 square yards comprised in khasra No.48//19 situated within the revenue estate of village Kuliewal was decreed by the trial Court vide judgment and decree dated 02.07.2014 and the appeal preferred by the defendant did not find favour with the Additional District Judge, Ludhiana.

The respondent/plaintiff has staked his claim of ownership in possession on the basis of sale deed bearing Vasika No.8741 dated 03.09.2009 whereas the appellant/defendant has pleaded an agreement of sale executed by Jatinderpal Singh son of Teja Singh in whose favour an agreement of sale was executed by Kiran Goyal and Kiran Goyal is stated to have purchased the suit property from grandfather of plaintiff namely

Dalip Singh vide agreement dated 10.05.2002. The Courts have consistently held that the plaintiff/respondent is in possession of the suit property and the appellant/defendant is restrained from interfering into peaceful possession of the plaintiff over the property in dispute. As has been noticed hereinbefore, findings recorded by the trial Court were affirmed in appeal. Counsel for the appellant has failed to point out any materials on record on the basis whereof it can be successfully argued that consistent findings qua possession of the suit property suffer from perversity or the judgments otherwise give rise to a question of law that needs determination in Regular Second Appeal.

For the foregoing reasons, appeal fails and is accordingly dismissed in limine. No order as to costs.

AUGUST 21, 2018

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no