

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

RSA No.2252 of 2016 (O&M)

Date of decision : 18.05.2018

Jagwant Singh

...Appellant

Versus

Om Parkash and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Sandeep Saini, Advocate for
Mr. Sumit Gupta, Advocate for the appellant.

ANIL KSHETARPAL, J.

Judgment was reserved. The judgment is being released.

The plaintiff-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below dismissing suit filed by the plaintiff for permanent injunction.

The plaintiff had filed a suit claiming that he is in possession of a Gair Mumkin Ghair (plot) comprised in Killa No.17/1min South, and Khasra No.14/2/2 min south as a lessee.

On the other hand, the defendants contested the suit that there is neither any ghair nor plaintiff is in possession of the property. It is pleaded that plot is vacant and the defendants have purchased the property vide registered sale deed dated 16.07.2004 and they are in peaceful possession of the same.

Both the Courts below after appreciating the evidence available on the file have dismissed the suit filed by the plaintiff. The First Appellate Court has recorded that the plaintiff-appellant has failed to identify the suit property, length and width of the property leased out has not been mentioned. The Courts also noticed that the previous judgment on which reliance was placed is not with respect to the same property. The appellant has failed to point out any substantive, mis-reading or non-reading of evidence warranting interference by this Court in this appeal.

Hence, the Regular Second Appeal is dismissed.

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

18.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No