IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102 **CM-6500-C-2016 in/and**
RSA-2451-2016 (O&M)
Date of Decision : 30.8.2018

Smt. Nimbo since deceased through her LRs and another
..... Appellants

Versus

Ramdhari and others **..... Respondents**

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Mr. S.P. Chahar, Advocate
for the appellants.

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AJAY TEWARI, J. (Oral)

CM-6500-C-2016

For the reasons recorded, the application is allowed. Delay of 346 days in filing the appeal is condoned.

Main Case

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit for permanent injunction filed by the appellants.

The appellants had claimed that they were Gair Morusi tenant in the land in dispute and they sought an injunction restraining the respondents No.1 to 5 from dispossessing them except in due course of law. Both the Courts below noticed that the respondents No.1 to 5 were members of the Scheduled Castes. The land in dispute had been declared surplus in the hands of the big landlords and the same had been allotted to the respondents No.1 to 5 and the alleged tenancy which was sought to be

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set up by the appellants was after the declaration of surplus. Consequently, the Courts below held that such illegal encroachers could not be granted the benefit of permanent injunction, more so as against the members of the weakest sections of society who had been allotted the land by way of agrarian reform.

In the totality of circumstances, 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 render them liable for interference 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.

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No

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