IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.2960 of 2016

Harbans Singh

...Appellant

Versus

Nirmal Kaur and Ors.

....Respondents

Date of Order: 13.12.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Arora, Advocate for the appellant.

AMIT RAWAL, J (ORAL)

The appellant-defendant No.1 has not been successful in the suit filed by the plaintiff seeking permanent injunction restraining the defendants from dispossessing the plaintiff and from interfering into their peaceful cultivating possession over the land measuring 4 kanals.

Plaintiff alleged that they have in possession of aforesaid land having been purchased vide sale deed dated 13.10.2008.

Upon notice, defendants contested the suit alleging the sale deed to be illegal, null and void. It was alleged that Surinder Kaur executed general power of attorney in favour of Sewa Singh who executed an agreement to sell dated 10.9.1998.

Learned counsel for the appellant submitted that concurrent findings of facts are not sustainable in the eyes of law as the appellant has been able to prove their possession as per the provisions of Section 53-A of the Transfer of Property Act.

After hearing learned counsel for the appellant and appraising

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the paper book, the contention of learned counsel is not sustainable, for, the agreement to sell propounded by the defendants has not seen the light of the day. Injunction is only qua possession and not to the title, thus, no fault could be found with the well reasoned findings recorded by both the courts below.

Dismissed.

December 13, 2018 **(AMIT RAWAL)**
manoj **JUDGE**

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

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