

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

**RSA No.3323 of 2016 (O&M)
Date of Decision.19.11.2018**

Dilbag Singh (deceased) through LR's and othersAppellants

Vs

Balbir Kaur ...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the appellants.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.12987-C of 2018

The application for impleading the legal representatives of deceased Dilbag Singh, appellant No.1 is allowed subject to all just exceptions and the legal representatives are ordered to be brought on record for the purpose of adjudication of the present appeal.

The amended memo of parties is taken on record and the registry is directed to put the same at appropriate place.

RSA No.3323 of 2016

The appellants-defendants have not been successful in defending the suit for seeking permanent injunction against them from interfering into peaceful possession of the plaintiff, as per the site plan bounded as under:-

“North : Sawarn Singh

South: Sukhchain Singh

East : Main Gali

West: Master Joga Singh

The respondent-plaintiff claimed to be in possession of the suit property by relying upon voter card, voter list, electricity bill etc.

whereas the defendants claimed to be owner in possession on the basis of the original sale deed dated 23.06.1952, Ex.D1.

Learned counsel appearing on behalf of the appellants submitted that the respondent-plaintiff has not been able to prove possession, much less, ownership, therefore, injunction could not have been granted. On the other hand, defendants have been found in possession but the Courts below failed to advert to documents Ex.D4 and D5 i.e. extract of electoral rolls. The suit land bearing No.422 belonged to Surta Singh.

I am afraid aforementioned argument of Mr. Ranjodh Singh Sidhu is not sustainable, for, the suit was simplicitor for injunction. No issue with regard to ownership was framed. The trial Court had during the pendency of the suit appointed local commissioner, whereby plaintiff was found in possession. No contrary report or other evidence has been brought on record to belie the said report.

In such circumstances, I do not find any illegality and perversity in the judgments and decrees passed by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 19, 2018

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No