

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

RSA No. 4053 of 2016(O&M)

Date of decision: 25.10.2018

Joginder Kaur

.....Appellant

VERSUS

Pritam Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikram Satpal, Advocate for
Mr. Gaurav Singla, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts whereby suit for permanent injunction to restrain the respondents/defendants, sons of the plaintiff/appellant from taking illegal and forcible possession of the suit house was dismissed by the trial Court vide judgment and decree dated 18.02.2013 that came to be affirmed in appeal by the District Judge, Sangrur.

Counsel for the appellant/plaintiff would urge that the appellant is owner of four houses i.e one situated in Preet Nagar, two in Subhash Nagar and the fourth one in Guru Nanak Pura and there is dispute with regard to all the four houses. It is further submitted that as the appellant is owner of suit house, she is entitled to seek injunction against the respondents/defendants who have no concern with the house in dispute.

The trial Court, in para 6 of the judgment, has noticed the facts elicited in cross examination of Joginder Kaur – appellant PW-1. She admitted that she herself gave house in dispute to Pritam Singh and

Malkiat Singh in partition 20-22 years ago and it was oral family partition. She has also stated that after partition, the electric meter was installed in the name of Malkiat Singh. She was not even aware when construction existing at the spot was raised. Counsel for the appellant has not disputed correctness of the facts noticed hereinbefore, culled out from cross examination of Joginder Kaur PW-1. As the appellant/plaintiff has herself admitted the respondents/defendants to be in possession of the suit house, her claim for grant of injunction against dispossession has rightly been rejected by the Courts.

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

OCTOBER 25, 2018

‘D. Gulati’

(REKHA MITTAL)
JUDGE

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