

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

RSA No.2730 of 2015 (O&M)

Date of decision : 11.05.2018

Ravinder Kumar and another

...Appellants

Versus

Karam Singh @ Karam Bir and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akshay Jindal, Advocate with
Ms. Janya Sirohi, Advocate for the appellants.

Mr. Parminder Singh, Advocate for respondent Nos.1 and 2.

ANIL KSHETARPAL, J. (ORAL)

CM No.6843-C of 2015

For the reasons stated in the application, which is duly supported by an affidavit, delay of 22 days in filing the present appeal is condoned.

Application is disposed of.

Main Case

The defendants-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs had filed a suit for permanent injunction claiming that they have constructed a small house with the aid of Government meant for Below Poverty Line persons. The grant was given under *Indira Awaas*

Yojana and the defendants are threatening to forcibly occupy the property.

The defendants contested the suit and filed a counter claim for possession. It was pleaded that the plaintiffs are only licencees over the property and the case setup by the plaintiffs is erroneous. It was pleaded that in the year 2009, plaintiff No.1 had dispute with his family members and thereafter the permission was granted to the plaintiff to reside in the aforesaid house.

Both the Courts below after appreciating the evidence have recorded a findings of fact that it is the plaintiffs who have constructed small house in question with the aid and assistance of the State Government.

The plaintiffs in order to prove their case examined Suresh Kumar, Gram Sachiv, Gharaunda as well as Jai Singh, Assistant, Block Development Panchayat Officer, Gharaunda, Karnal as PW2 and PW6, respectively, who proved that the assistance was given to the plaintiffs to construct the house.

This Court has heard the learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below and the record.

Learned counsel for the appellants has argued that examination of PW2, Gram Sachiv and official of Block Development Panchayat Officer would not prove the ownership of the plaintiffs. He submitted that the electric connection in the house in dispute is in the name of the defendants.

This Court has considered the submissions. However found no substance therein. It is consistent case of the plaintiffs that three years ago, after getting the grant sanctioned under *Indira Awaas Yojana* for ₹35,000/-,

house was constructed. This case of the plaintiffs is supported by evidence of these two officials who have stated that grant was given in the year 2009 whereas the suit was filed in the year 2011. Still further, defendants had filed a counter claim. The defendant's counter claim was a plaint. The defendants failed to lead any evidence to prove that they were owners of the property in dispute. No document of title has been produced. Mere electric connection would not be enough to prove evidence of title. Further, it is not proved whether this particular electric connection is installed in the house in question or not.

In view of the aforesaid, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

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

11.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No