

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

**RSA No.4242 of 2016 (O&M)
Date of Order:18.05.2018**

Charanjit Singh and another

..Appellants

Versus

Smt. Saroj Nanda and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Kumar Girdhar, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below while decreeing the suit filed by the plaintiff for permanent injunction on the strength of a registered sale deed dated 27.06.1995.

It is the case of the plaintiff that this property was adjacent to her other property and she purchased it from its owner. It is further claimed that demarcation was carried out on 26.07.2011 and she had secured the property from any encroachment.

Defendants contested the suit and pleaded that the vendor of the plaintiff was not in possession of the property. It may be noticed that the defendants-appellants did not lead any evidence oral or documentary to establish their case.

Keeping in view the one sided evidence, both the courts have recorded a concurrent findings, decreeing the suit filed by the plaintiff.

Learned counsel for the appellants has submitted that in the

written statement defendants had pleaded that they had also purchased some part of the land through a sale deed. He further submitted that hence parties would be co-shares and the suit for injunction would not be maintainable.

This court has considered the submissions, however, in the absence of any evidence available on the file on behalf of the defendants, it is not possible to conclude that the defendants were also co-sharers with the plaintiff. Still further the property is in urban area, covered by residential houses. This being the position, the property, of course, is identified by khasra number, but it is also identified and secured through dimensions of the property as well as details of the property on all four sides. In such circumstances, defendants cannot claim that they are also co-owners unless they plead and prove that they purchased the property along with the plaintiff or any of them purchased an undivided share in the property.

In view of thereof, there is no scope for interference with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

May 18, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No