

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-4547-2016 (O&M)

Date of decision: September 05, 2018

Parveen

...Appellant

Versus

Avtar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Raghav Goel, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/appellant filed a suit for permanent injunction against the defendant/respondent, restraining the defendants from interfering or dispossessing the plaintiff from a 10 Marlas plot, situated in Panjpeer Nagar, Abohar. It was alleged that plaintiff is owner in possession of the plot in suit, which he has been occupying at the spot after constructing one room therein. Defendants are strangers and bent upon to interfere into his possession over the plot in suit. Suit was resisted by the defendants by filing their written statements. Defendant No.1 in his written statement pleaded that his wife Manjit Kaur is owner in possession of the house, situated at Panjpeer Nagar, Abohar, comprised in Khasra No.340, Killa No.15 (8-0), Khewat No.2617/2308, situated

within the area of Abohar-II. Electricity and water supply connections have also been installed therein in the name of his wife. Defendant No.2 in his written statement also denied the averments made in the plaint. He pleaded that they are also having a plot adjoining to the plot in question, in the name of his wife Geeta Rani. After hearing both the parties and perusing oral as well as documentary evidence, the trial court dismissed the suit. It observed that plaintiff had failed to establish his claim for the relief of permanent injunction as he could not establish that suit property is the same property, which he had purchased vide sale deed Ex.P-5. Findings were affirmed by the lower appellate court.

I find no infirmity with the findings arrived at by both the courts below. Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 05, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No