IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA-4704-2016 (O&M)
Date of Decision:17.09.2018

Manjeet Singh ... Appellant

Versus

Kailash Chander ... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. H.K. Aurora, Advocate for the Appellant.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Plaintiff-Manjeet Singh instituted a suit for permanent injunction restraining defendant Nos.1 to 3 from interfering, dispossessing, cutting and removing of trees which were planted and standing on the eastern as also northern side of the land owned and possessed by the plaintiff and as described in the head note of the plaint.

2. Suit was dismissed by the trial Court on 10.09.2015 and civil appeal preferred by the plaintiff has met the same fate vide judgment dated 18.05.2016 passed by learned Additional District Judge, Hoshiarpur.

3. Resultantly, the plaintiff-appellant is in second appeal before this Court.

4. At the very outset, it may be noticed that the plaintiff had withdrawn the suit qua defendants No.1 and 2 and had pressed for the injunction only qua defendant No.3. In other words, the injunction sought was pertaining to 30 safeda trees and 20 popular trees and which as per plaintiff/appellant were standing on the northern side of the land owned by him.

5. Counsel for the plaintiff/appellant has been heard at length and

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the case paper book has been perused.

6. It has gone uncontroverted during the course of arguments that the plaintiff/appellant had relied upon a demarcation report prepared by the Kanungo/revenue official and in such report, the trees that found a mention were on the eastern side of the land possessed and owned by the appellant. The demarcation report was totally silent with regard to any tree standing towards the northern side of the land and which were allegedly on the common butt between the land owned and possessed by appellant on one side and defendant No.3 on the other. Such demarcation report even bears the signatures of the parties concerned.

7. Clearly, such demarcation report did not support the case of the plaintiff/appellant.

8. Counsel during the course of hearing has conceded that apart from the bald oral testimony, no corroborative evidence had been adduced with regard to trees in question on the northern side of the land owned by the appellant.

9. In view of the above, no patent infirmity or perversity is found in the concurrent view taken by the Courts below in denying to the plaintiff/appellant the relief of permanent injunction.

10. No merit.

11. Dismissed.

17.09.2018 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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