

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

RSA No.4912 of 2016 (O&M)

Date of decision : 25.07.2018

Natha Singh

...Appellant

Versus

Manjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Dassaur, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.4-appellant is in the Regular Second Appeal against the judgment passed by the learned First Appellate Court.

The plaintiffs in fact filed a suit for injunction with respect to the properties i.e. Mark-A and B. The trial Court decreed the suit for injunction with regard to Mark-A, however, declined to grant the relief to the plaintiffs on the ground that when mother of the plaintiffs, appeared in the evidence, in cross-examination she stated that she does not have any dispute with regard to the property Mark-B.

On the other hand, defendants claimed that they have purchased the property vide sale deed dated 08.02.2008. In appeal, the plaintiffs pleaded that in cross-examination, any casual statement inadvertently made on behalf of the plaintiffs would not deprive them of their right to protect their property.

Learned First Appellate Court has very aptly noticed that the property which was claimed by the defendants-appellants and the property for which the suit has been filed Mark-B, are entirely different.

The description of the properties surrounding on all four sides of the plot as claimed by the defendants and the plaintiffs as extracted by the First Appellate Court, are extracted as under:-

“The boundaries of the plot mentioned in the sale deed dated 08.2.2008 are as below:-

East: Property of Gurdial Singh,

West: Property of Bhajan Singh

North: Rasta and

South: Property of Bhajan Singh

It is therefore evident that the property owned by Parkash Kaur and Amrik Singh bearing khasra No.565 is different from the property Mark-B owned by the plaintiffs because it has different boundaries as mentioned below:-

East: Rasta,

West: Property of Nath Singh

North: Rasta,

South: Property of Gurdial Singh”

Learned counsel for the appellant during the course of arguments has read-over the sale deed produced by the defendants-appellants. The description of the property surrounding the property which was purchased by the defendants has been correctly extracted by the First Appellate Court.

Learned counsel for the appellant has submitted that once the mother of the plaintiffs had admitted in cross-examination that she does not have any dispute with regard to the property which has been described as

mark B, therefore, the judgment of the trial Court was correct.

This Court has considered the submission. The first Appellate Court is correct in saying that one line in cross-examination cannot be read in isolation of the entire statement. The plaintiffs had filed a suit claiming that they have threat from the defendants. The suit was filed with regard to the properties i.e. Mark-A and B. In examination-in-chief, when the mother of the plaintiffs appeared as an attorney of the plaintiffs, she stated that she has an apprehension, however, in one line during cross-examination, she slipped. However, such statement cannot negate the entire evidence produced. It is well settled that the statement of the witness is to be read as a whole and one sentence cannot be read divorced from the entire statement.

In view thereof, there is no ground to interfere.

Regular Second Appeal is dismissed.

25.07.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No