

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4980 of 2016

Date of Decision: November 16, 2018

Moti Ram

...Appellant

Versus

Shri Bhagwan & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Roopak Bansal, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful in a suit for permanent injunction claiming to be in long and settled possession from 1982 to 2007 preceding to filing of the suit.

Respondent-defendants opposed the suit by denying the possession of the plaintiff. It is asserted that they had raised the boundary wall and put iron gate and had been in possession of the suit land.

In order to support the aforementioned averment in the plaint, plaintiff had brought on record umpteen number of documentary evidence in the shape of revenue record to establish the possession till 2007.

Mr.Roopak Bansal, learned counsel appearing on behalf of the appellant-plaintiff submitted that the injunction ought to have been granted in view of the parameters laid down in **Rame Gowda (D) by L.Rs Versus M.Varabappa Naidu (D) by L.Rs & another, 2004 (1) SCC 769** as long and settled possession has been proved on record.

I am afraid, the aforementioned argument is not sustainable as there was change in the khasra girdawari. Roznamcha in this regard has been brought on record to establish that no notice was issued to the defendants regarding the entry in favour of the appellant-plaintiff. Local Commissioner appointed by the Court proved that the boundary wall has been raised by the defendants, much less iron gate. This fact has also been acknowledged by the plaintiff in cross-examination. All the aforementioned factors weighed in the mind of the courts below to decline the claim.

In my view, the argument of the learned counsel is not able to bring the case within the realm of perversity. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 16, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No