

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA-5471-2016 (O&M)
Date of Decision: 14.08.2018

Naranjan Singh

--Appellant

Versus

Bhulla Khan

--Respondent

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

Present:- Mr. Sumit Gupta, Advocate for the appellant.

TEJINDER SINGH DHINDSA.J (Oral)

Plaintiff is in second appeal before this Court having remained unsuccessful in both the courts below.

Briefly, it may be noticed that plaintiff filed a suit for permanent injunction to restrain the defendant from interfering in his peaceful possession over bara measuring 50 feet x 75 feet situated within the abadi deh of village Chaulandi, Sub Tehsil Ladwa, District Kurukshetra. Plaintiff had asserted that in the bara 25 trees of safeda had been planted. There was even a water haudi that had been constructed.

Suit filed by the plaintiff was dismissed by the Trial Court on 6.12.2013 and a civil appeal preferred has met the same fate vide judgement dated 12.5.2016 passed by the learned Additional District Judge, Kurukshetra.

Resultantly, the instant second appeal.

Counsel for the appellant has been heard at length.

The courts below have concurrently held upon going through the oral and documentary evidence that the plaintiff had not produced any site plan relating to the suit property and the site plan that had been relied upon had not even been exhibited. Furthermore, no evidence had been

adduced to prove any title deed of the suit property and neither its possession. Courts below have noticed the deposition of PW-1 himself, who admitted in his cross-examination that in the year 1964-1965 the defendant Bhulla Khan had purchased the house from his grandfather and sale deed was executed in favour of Bhulla Khan relating to the house. It is also admitted that Bhulla Khan, defendant (respondent herein) had constructed a Baithak and the door of the same opens towards the Eastern side and the same is being used by Bhulla Khan. Furthermore, no evidence had been led towards planting of safeda trees over the said bara by the plaintiff.

The afore-noticed observations made by the Trial Court as also the Lower Appellate Court have not met with any rebuttal even by counsel during the course of hearing in the present appeal and by adverting to any evidence that may have been led in such regard.

This Court does not find any patent infirmity in the judgement passed by the Trial Court and affirmed by the Lower Appellate Court.

The present appeal does not raise any question of law much less a substantial question of law.

The appeal, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.08.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No