

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

RSA No. 5893 of 2016

Date of decision : September 11, 2018

Sohan Singh

..... Appellant

v.

Kuldeep Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Munish Puri, Advocate
for the appellant.

Ajay Tewari, J (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant.

Brief facts are that the appellant had filed a suit stating that the land in dispute was in the possession of one Kans Kaur who had allowed the appellant to stay thereon in consideration for looking after the same. It was further the case of the appellant that after the death of Kans Kaur, he was entitled for injunction against the respondents from dis-possessing him except in due course of law. The case of the respondents, on the other hand, was that they were the legal heirs of Kans Kaur and the appellant could not seek an injunction after the death of Kans Kaur.

Both the Courts below primarily dismissed the suit on the ground that the appellant never came to appear in the witness box to explain

in what capacity he was in possession after the death of Kans Kaur.

Counsel for the appellant has argued that even though the appellant never appeared in the Court yet the other documents were never considered by the Courts below. I find that this assertion is wrong. In paragraph 14 of the judgment of the trial Court, the documents viz ration cards, electricity bills and voter identity cards have been considered and the Courts below discarded those documents on the ground that they are unilateral documents and cannot prove possession. Consequently, finding no merit this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

September 11, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No