

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

**RSA No.6320 of 2016 (O&M)
Date of Decision.12.11.2018**

Atma Ram

.....Appellant

Vs.

Shinda

...Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Bhardwaj, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.16573-C of 2016

For the reasons stated in the application, delay of 25 days
in filing the appeal is condoned.

Application is allowed.

RSA No.6320 of 2016

The appellant-plaintiff has not been successful in
claiming injunction on the basis of long and settled possession in
respect of the suit property marked ABCDEF shown in red colour.

Mr. Bhardwaj, learned counsel appearing on behalf of
the appellant submitted that that there is gross misreading by both the
Courts below with regard to admission of the possession by witnesses
of the plaintiff. The dispute confined to *khurli* shown in the red
colour to which plaintiff was having conscious possession. It is hard
to believe that small portion of *khurli* would be in possession of the
defendant vis-à-vis other area. Testimonies of both witnesses Tarsem
Lal and Harvinder have also been misread.

I am afraid aforementioned argument of Mr. Bhardwaj is

not sustainable. Both Tarsem Lal and Harvinder Kumar whose testimonies have been placed on record as Annexures A-9 and A-10 in cross-examination admitted possession of the defendant over the suit land. It is in such circumstances both the Courts below declined injunction. On perusal of the site plan, it shows that on the opposite side of the street, there is some *haveli* to be in possession of the plaintiff. It is settled law that in suit for injunction, title is not to be seen. Injunction can also granted to a person, who is in long and settled possession. No concrete evidence had been placed on record prior to the filing of the suit to establish long and settled possession, thus, I do not intend to differ with the concurrent finding of fact rendered by both the Courts below.

As an upshot of my finding, I do not find any illegality and perversity in the judgments and decrees passed by both the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out.

Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 12, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No