

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.5262 of 2015

Date of Decision: 16.01.2018

Onkar Singh

... Appellant

Versus

Santokh Singh & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ashok Verma, Advocate,
for the petitioner.

RAMENDRA JAIN, J.(Oral)

Unsuccessful defendant has laid challenge to the judgment and decree dated 7.04.2015 of the First Appellate Court affirming the judgment and decree of the trial Court dated 19.02.2014.

Briefly stated the respondents-plaintiff by way of their suit for permanent injunction prayed for restraining the appellant-defendant from interfering into their possession over the suit property or from dispossessing them described in the head-note of the plaint, pleading that the suit property was situated in *Lal Lakir* and is their ancestral property consisting of a room/shed being used by them for tethering cattle and storing household articles.

Upon notice, appellant-defendant contested the suit. The trial Court after trial, decreed suit in favour of the respondents-plaintiff vide judgment and decree dated 19.02.2014.

Being aggrieved, appellant-defendant preferred an appeal, but remained unsuccessful as his appeal was dismissed vide impugned judgment and decree dated 07.04.2015.

Learned counsel for the appellant-defendant contends that both the courts below failed to appreciate that there was no document of title in favour of the respondent-plaintiffs qua the suit property. The family settlement Ex.D-1 produced by the appellant-defendant during trial qua the suit property was sufficient to dismiss the suit. The trial Court wrongly and illegally decreed the suit on the basis of electricity bill in favour of the respondents-plaintiff without appreciating that an electricity bill cannot be termed as document of title or proves possession of a person.

I have given anxious consideration to the submissions made by learned counsel for the appellants and find that the instant appeal is completely devoid of any merit for the reasons to follow:-

1. No question of law much less substantial arises for consideration in this second appeal. Therefore, the same is not maintainable.
2. To prove his title, the appellant-defendant has relied upon a family settlement Ex.D-1, which according to the observations of both the Courts below, could not co-relate the suit property.
3. The electricity connection in favour of the respondent-plaintiffs has rightly been relied upon by both the Courts below qua their possession over the suit property, considering the fact that the appellant-defendant never lived in the village, throughout his life, where the suit property is situated. There is a categorical admission of the appellant-defendant to this effect.

I have gone through the impugned judgment of the First Appellate Court and find no ambiguity or illegality in the same.

In view of the discussion made above, this appeal stands

dismissed with costs of ₹2,000/-. To be deposited with the Member Secretary, District Legal Services Authority, Sirsa.

A copy of this order be sent to the Member Secretary, District Legal Services Authority, Sirsa.

16.01.2018
monika

(RAMENDRA JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>