

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

RSA No.6862 of 2016 (O&M)

Date of decision : 11.05.2018

Prince and another

...Appellants

Versus

Desh Raj

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev Kumar Panwar, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

In fact, the suit filed by the plaintiffs for injunction has been decreed whereas his prayer for declaring them owner has been declined.

The defendant disputed the claim of the plaintiffs on the ground that they were appointed as a Guard to look after the property and once they sold the property to someone else, the plaintiffs are only trying to receive the hush money from the purchasers.

In the evidence, the plaintiffs admitted that ownership is of the defendant.

Keeping in view the aforesaid facts, learned trial Court granted the injunction although wrongly. Since, the other side is not in appeal, therefore, that decree is not being disturbed. The first appeal filed was also

dismissed after re-appreciation of the evidence. Once the plaintiffs when appeared in the witness-box have admitted that the defendant is the owner of the property, no declaration in favour of the plaintiffs.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

11.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No