

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-924-2016 (O&M)

Date of decision: September 06, 2018

Harninder Singh

...Appellant

Versus

Kulwant Singh & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.K. Arya, Advocate for the appellant.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiff/appellant filed a suit for permanent injunction, restraining defendant/respondents from fixing door towards his plot, alleging that plot in suit was purchased by him from his grand father Lachhman Singh, vide sale deed dated 19.07.1974 and since then he is in possession thereof as owner and defendants have no concern with the same. However, defendant No.1 at the instance of defendant No.2 intended to open/fix a door or window towards the plot of the plaintiff and to use the same as a passage and he even made attempt to do so. Suit was resisted by the defendants. In their written they pleaded that plaintiff had not filed correct site plan. They denied the fact that predecessor-in-interest of the plaintiff namely, Laxman Singh had any right, title or interest in the suit property and the alleged sale deed is a sham document. It was pleaded that Jaswant Singh son of Attar Singh, is owner in possession of about 07 Marlas of land including the land in dispute, who had purchased the same from the

Department of Rehabilitation in a public auction and sale was confirmed on 27.10.1961. Thereafter, Jaswant Singh delivered possession of the suit property to defendant No.2, vide registered sale deed dated 12.07.1974. Defendant No.1 being relative of defendant No.2, allowed him to use the property in question. After hearing both the parties and perusing oral as well as documentary evidence, the trial court dismissed the suit by observing that plaintiff had failed to prove how his grand father had acquired title of the suit property. Further dimensions of the property in question did not tally with the sale deed Ex.P-1. Findings were affirmed by the lower appellate court.

I find no infirmity with the findings arrived at by both the courts below. It is revealed that in view of documents Ex.D1/A and sale deed Ex.D2, defendant No.2 Jagir Singh had purchased the property in dispute from Jaswant Singh, vide sale deed dated 12.7.1974. Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 06, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No