

RSA-3392-2014 (O&M)

Date of Decision: 27.07.2018

Jasbir Kaur

.....Appellant

Versus

Ravinderpal Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Mr. Parvinder Singh, Advocate
for the appellant.**DEEPAK SIBAL, J. (ORAL)**

The appellant filed a suit seeking therein permanent injunction to restrain the respondents/defendants from dispossessing her from the shop as detailed and described by her in the head note of the plaint. The case set up by the appellant/plaintiff was that vide two sale deeds dated 01.08.2006 and 24.07.2007, she had purchased 11 marlas 8 Sirshai of land out of Khasra No.7//5/2 (0-1), 6/2 (6-17), 15 (8-0) and was in possession of the same. After purchasing the said land, she had constructed thereupon the shop in question which was lying vacant. Since the respondents were trying to forcibly dispossess her from the shop in question, she had filed the instant suit.

On being put to notice, the respondents/defendants filed their written statement and denied the claim set up by the appellant/plaintiff. It was submitted that the appellant was not the owner of the shop in question and that the same was owned and possessed by the respondents. Karam Singh who was the predecessor-in-interest of the respondents had constructed the shop in question as also the adjoining shops. The shop in question was earlier rented out by Karam Singh to one Baljit Singh, then to Baldev Singh and presently it was Baldev Singh, who was in occupation of the shop in question as a tenant.

The Trial Court after shifting the evidence which came on record, dismissed the appellant's suit and the appeal filed by the appellant against such dismissal met the same fate as her suit giving her a cause to knock the doors of this Court through the present second appeal.

After hearing learned counsel for the appellant and perusing the record, no merit is found in the present appeal.

As per the *jamabandi* produced and proved on the record, the shop in question was not found to be in possession of the appellant. No other revenue record was produced and proved. Further, the appellant, while appearing in the Trial Court as PW-1, had not denied that the shop in question was in possession of Baldev Singh and in her cross-examination, she had showed ignorance as to who was presently in possession of the disputed shop which is rather strange. On the other hand, the evidence produced by the respondents clearly proved that the shop in question was in fact in possession of Baldev Singh as tenant who was carrying on therein the business of selling electric goods/hardware. Once the appellant's possession was not proved, she was not entitled to the grant of injunction. The concurrent findings of fact in this regard arrived at by the Trial Court as also the Appellate Court, need no interference.

No question of law, much less a substantial question of law is found to arise in the present second appeal.

Dismissed.

(DEEPAK SIBAL)
JUDGE

27.07.2018

Neha

Whether Speaking/Reportable : Yes/No

Whether Reportable : Yes/No