

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

**(1) RSA No.4026 of 2014 (O&M)
Date of Order:20.07.2018**

Parkash Kaur ..Appellant

Versus

Mohinder Singh and others ..Respondents

(2) RSA No.4044 of 2014 (O&M)

Parkash Kaur ..Appellant

Versus

Nirmal Singh and others ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Arun Takhi, Advocate,
for the appellant.**

**Mr. Kanwaljyot Singh, Advocate,
for respondent no.1.**

ANIL KSHETARPAL, J(Oral)

This judgment shall dispose of Regular Second Appeal Nos.4026 and 4044 of 2014. Counsel for the parties are agreed that both the appeals can be conveniently disposed of by a common judgment as the issue which needs determination is common. Most of the parties to the appeals as well as property in dispute are also common.

Basically, two cross suits were filed seeking relief of permanent injunction. One was filed by Mohinder Singh claiming property on the basis of a registered sale deed dated 06.07.1966, whereas Parkash Kaur, plaintiff in the other suit and the appellant herein, filed another suit

claiming that she is in continuous possession of the property in dispute. Respondent Mohinder Singh, pleaded that earlier also her husband Ram Singh filed a suit and in the aforesaid suit, Ram Singh abandoned his right after entering into a settlement on receipt of Rs.684/-. The aforesaid suit was filed against Makhan Singh, the vendor of the Mohinder Singh as well as Mohinder Singh.

Learned first appellant court has held that the property in the earlier suit and the present suit is same.

Learned counsel for the appellant submitted that the earlier suit was with respect to 1 kanal 17 marlas and 5 sarsai, whereas the present suit is only for 5 marlas. Therefore, he submitted that property is different.

With the help of learned counsel for the parties, the boundaries of the sale deed, earlier suit and the present suit have been compared. All three are same. Still further, Parkash Kaur, the appellant, has not led any evidence to prove that she has any right, title or interest in the property.

Still further a Local Commissioner was appointed during the pendency of the suit and it was found that the appellant Parkash Kaur has made certain openings in her boundary wall and started using adjoining space, which was not part of her premises.

In view thereof, this court does not find any good ground to interfere.

The regular second appeal is dismissed.

July 20, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No