

153 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA- 128-2017(O&M)
Date of decision :14.11.2018

Sohan Singh

..... Appellant

versus

Kuldip Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepak Verma, Advocate for the appellant.

AMIT RAWAL, J. (ORAL)

Appellant-defendant is aggrieved of the judgment and decree dated 03.10.2016 rendered by the Lower Appellate Court whereby suit for injunction filed on behalf of the plaintiff, dismissed by the trial Court, has been decreed.

Plaintiff sought injunction against the defendant-appellant on the premise that he had become the owner by virtue of sale deed dated 24.08.2006 in respect of land measuring 2 kanals 17 marlas and was put into possession of the suit property. The defendant opposed the suit on the premise that Nasib Kaur, his mother had not executed the sale deed and on her demise succeeded to the property by way of natural succession. The trial Court dismissed the suit but the Lower Appellate Court reversed the finding.

Mr. Deepak Verma, learned counsel appearing on behalf of the appellant submitted that the finding of the Lower Appellate Court is wholly perverse and illegal for, the respondent-plaintiff has not been able to

establish possession. It is also a matter of record that separate suit for declaration challenging the sale deed dated 24.08.2006 was filed in 2015. The alleged sale deed has not been proved in accordance with law. Therefore, injunction could not have been granted. Jamabandi for the year 2006-07 (Ex.P1) did not establish the possession.

I am afraid the aforementioned argument of learned counsel is not tenable. On asking of the Court Mr.Deepak Verma had handed over copy of the suit pending adjudication wherein the sale deed executed by Nasib Kaur has been challenged and possession has been sought. The decree of injunction against the appellant is most innocuous which has been granted on the basis of title. It is yet to be proved whether any fraud or misrepresentation has been played upon the vendor-Nasib Kaur or not. In case the appellant succeeds they would have to seek an independent remedy in accordance with law.

Arguments of learned counsel have not been able to bring the case within the realm of illegality and perversity enabling this Court to form a different opinion other than the one arrived at by the Lower Appellate Court. No ground for interference is made out.

Appeal is dismissed.

(AMIT RAWAL)
JUDGE

14.11.2018
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No