

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 1521 of 2017
Date of decision : November 15, 2018

Shubh Kiran

..... Appellants

Versus

Ram Dev

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Navneet Batra, Advocate
for the appellant.

AMIT RAWAL, J (oral).

The appellant-defendant has not been successful in defending the suit for permanent injunction restraining the defendant/her family members and agents/representatives from interfering or encroach in the peaceful possession of the plaintiff in suit property in khasra No.508 and 527 measuring 1 Kanal 14 Marlas and 6 Kanals along with his brother Kishan Dev and stated that the defendant was in possession of Khasra No.509 adjoining to Khasra No.508 had extended threats of forcible interference and dispossession. Despite repeated requests he did not accede to it which resulted into filing of the aforementioned suit. The appellant-defendant contested the aforementioned suit denying the ownership of the plaintiff much less possession. Rather, an attempt was made to explain that it was the plaintiff who was trying to encroach more area out of Khasra No.509 under the garb of the suit. On preponderance of evidence the trial Court decreed the suit and appeal filed before the appellate court was also dismissed.

submitted that there is illegality and perversity in the judgments and decrees of the courts below as the plaintiff has not been able to establish the threat perception that it was an attempt to encroach upon Khasra No.509 owned by the defendants. The demarcation report is not as per the High Court Rules and orders.

I have heard learned counsel for the appellant and of the view that there is no force and merit in the submissions. Local Commissioner appointed by the Court had affirmed that the plaintiff was in possession of the property on the basis of testimony of PW1-,PW-2 and Khasra Girdawari Ex.P-3, thus, both the courts below in my view has correctly inducted the defendant from interference.

In view of the aforementioned, the concurrent finding of fact arrived at by both the Courts below do not call for interference. The argument of learned counsel for the appellant has not been able to cut ice to bring the finding of the Courts below within the realm of illegality and perversity. No ground for interference is made out. The second appeal stands dismissed.

(AMIT RAWAL)
JUDGE

November 15, 2018
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No