

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.1238 of 2018 (O&M)  
Date of Order:16.10.2018

Paramjit Singh

..Appellant

Versus

Asssish Goyal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Rangpuri, Advocate,  
for the appellant.

ANIL KSHETARPAL, J(Oral)

C.M.No.3111-C-2018

Prayer in this application is for condonation of delay of 97 days  
in filing the appeal.

For reasons mentioned in the application, which is supported by  
an affidavit, the delay of 97 days in filing the appeal is condoned.

Application is allowed.

MAIN

Plaintiff-appellant is in the regular second appeal against the  
concurrent findings of fact arrived at by both the courts below while  
dismissing his suit for permanent injunction.

Learned appellate court has extracted the statement of the  
plaintiff when he appeared in evidence, correctness whereof is not being  
disputed. The statement is extracted as under:-

*“It is correct that my grandfather and other co-owners  
partitioned the plots of the mandi. It is correct that all*

*the owners have separate possession over the plots allotted to each of the co-owners. I don't know if any partition suit was ever instituted and decided between the co-owners. I don't know if the plot in question bears the shop No.65 but I am concerned only with the copy of jamabandi. It is not an agricultural plot nor it is being cultivated. It is correct that the size of plot is 16 feet into 105 feet.”*

Plaintiff while referring to khasra numbers in the jamabandi has sought injunction.

Both the courts after examining the evidence have found that the property was partitioned and a grain market was developed and shops had been constructed. It has further come in evidence that all the properties are now being sold with reference to shop numbers and by identifying the properties located in all 4 directions.

Still further, it has come in evidence that a preliminary decree for partition was passed on 11.07.1951 and thereafter, Shri Chander Mohan, Advocate, was appointed as Local Commissioner to partition the property by metes and bounds. Plaintiff has failed to prove that the property is in his possession. The suit for injunction has only been dismissed.

Hence, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

**October 16, 2018**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No