

RSA-1737-2017 (O&M)

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

RSA-1737-2017 (O&M)

Date of decision : 11.12.2018

Amar Chand

... Appellant

Versus

Rajesh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sunny K. Singla, Advocate
for the appellant.

AMIT RAWAL, J.

The appellant-defendant has not been successful in defending the suit for injunction in respect of suit property measuring about 161.77 sq. yds., before the trial Court as well as the lower Appellate Court.

Learned counsel appearing on behalf of the appellant-defendant submitted that the sole ground which weighed in the mind of the Courts below to grant injunction, was the statement of vendor of the agreement to sell of May 2005, in favour of the defendant, qua admission of possession of plaintiff, but the entire cross-examination and the statement, if read, did not establish the same. The property being bounded by two streets which is in consonance with the site plan of the plaintiff, therefore, cannot be a ground for decreeing the suit.

I am afraid the aforementioned argument is not sustainable as

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viz-a-viz the evidence brought on record by the plaintiff, the appellant-defendant failed to establish exclusive possession. The boundaries given in the site plan of the plaintiff as well as of the defendant reads as under:-

"Property as per site plan of the plaintiff

One side : Street

Second side : House of plaintiff

Third side : Street

Fourth side : Joginder Singh

Property as per site plan of the defendants

One side : Street

Second side : House of Tarsem Lal

Third side : Land of Joginder Singh

Fourth side : Sham Lal, Mangat Ram"

The appellant-defendant in cross-examination admitted that the house of the plaintiff is bounded by both streets, which is in consonance with the site plan, in such circumstances, injunction was inevitable.

In this view of the matter, there cannot be any illegality or perversity in the judgments and decrees of the Courts below, much less, no substantial question of law arises for determination.

Resultantly, the regular second appeal is dismissed.

11.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**