

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

RSA No. 2567 of 2017

Date of decision : August 03, 2018

Devi and another

..... Appellants

v.

Murti and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. JS Cooner, Advocate
for the appellants.

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby decreeing the suit filed by respondent No.1 for permanent injunction.

The case of respondent No.1/plaintiff was that she was in established possession of a Jhuggi measuring 25 sq yards (admittedly situated on government land) for the last many years. She further pleaded that the appellants/defendants were trying to dis-possess her forcibly and she sought an injunction restraining them from dis-possessing her in due course. Case of the appellants was that the said Jhuggi was transferred to them by a third person pursuant to the receipt which was executed by that third person. They had allowed respondent No.1 to live in one portion thereof and, thus, prayed for dismissal of the civil suit.

The trial Court dismissed the suit but the lower appellate Court

noticed that appellant No.1 stated that the respondent had been put in possession only two years ago but her husband stated that respondent No.1 was staying in the property in dispute for the last 5 to 6 years. The lower appellate Court further noticed that in a case where none of the parties had title, the established possession of one party would definitely give a right to seek an injunction against forcible dispossession. In the these circumstances, no fault can be found with the findings of the lower appellate Court. Consequently, finding no merit, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

August 03, 2018
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No