

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

**R.S.A. No.284 of 2018 (O&M)
Date of decision : January 15, 2018**

Satrupa Devi

..... Petitioner

Versus

Kulwinder Singh Saroa

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Saurabh Kapoor, Advocate for the appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present regular second appeal is the judgment and decree dated 06.11.2017 passed by the learned Addl. District Judge, Ludhiana, affirming the judgment and decree dated 05.08.2016 passed by learned Civil Judge (Jr. Divn.), Ludhiana, vide which the suit of the plaintiff-petitioner for permanent injunction was dismissed.

Plaintiff-petitioner had filed a suit for permanent injunction restraining the defendant-respondent Kulwinder Singh Saroa from interfering in the peaceful possession of the plaintiff-petitioner in property measuring 50 sq. yards comprised in khasra No.29//13/2/1, 14/1, 15/1, khata No.365/397. She also sought injunction for restraining the defendant-respondent from illegally and forcibly dispossessing her and raising construction over the said property.

The lower court has taken into consideration the admission of the plaintiff-petitioner that the gate on the disputed property was installed

by the defendant-respondent and the keys are with him. Another witnesses

Yogeshwar Parshad, who was produced by the plaintiff-petitioner as PW2 stated that the gate in the suit property was installed by defendant-respondent Kulwinder Singh Saroa and the suit property was in possession of defendant-respondent. Similarly, Krishan Lal, PW3 also made admission that boundary of the suit property was constructed by defendant-respondent Kulwinder Singh Saroa and gate was also installed by him and locked.

Therefore, the lower court came to the conclusion that possession is with the defendant-respondent not with the plaintiff-petitioner and the suit of the plaintiff-petitioner for permanent injunction was dismissed.

I am of the view that the findings recorded by the lower court was based on the admission made by the plaintiff herself as well as the other two witnesses i.e. PW2 and PW3. Thus, there is no illegality or infirmity in the impugned judgment and decree passed by both the courts below. There is no ground to interfere in the concurrent findings recorded by both the courts below.

As such, the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

January 15, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No