

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

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RSA No.4247 of 2017 (O & M)
Date of Decision:23.05.2018

Ram Kishan

...Appellant

Versus

Dharampal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Pratap Singh, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

Plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the Courts below, dismissing the suit filed by the plaintiff for permanent injunction and decreeing counter claim filed by the defendants for mandatory injunction. Plaintiff claims that he has purchased the property in the year 1992 and had constructed the double storey house and is residing therein. On the other hand, the defendants contested the suit pleading that the house is ancestral belonging to defendants No.1 and 2 and on account of good relations, plaintiff and his family was permitted to reside therein. During the course of evidence, Ex.DA, a decision by the Panchayat was produced, which has been signed by all respectables of the village including Sarpanch, Lambardar, Panch etc.

In the aforesaid decision, it has been clearly recorded that the property belongs to defendants No.1 and 2 and since they shifted to Rajasthan, therefore, the possession was handed over to the plaintiff as licensee and now he has turned dishonest.

Still further, the plaintiff, who has filed the suit for permanent

injunction claiming to be owner in possession, failed to lead any evidence to prove that he is owner of the property.

Although learned counsel for the appellant made sincere attempts to persuade to take a different view. However, taking into consideration Ex.DA, which was recorded in presence of the plaintiff who refused to sign and went away, although residents of the village tried to stop him, this Court does not find any good ground to interfere.

Regular second appeal is dismissed.

23.05.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No