

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

117

RSA No.4363 of 2017 (O&M)

Date of Decision : 30.07.2018

Palwinder Kaur

..... Appellant

Versus

Kulwant Kaur and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. K.S.Rekhi, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing a suit for injunction filed by the respondents.

The case of the respondents was that the land was owned by Ajaib Singh (which fact has been accepted by the appellant-defendant). The respondents further proved that Ajaib Singh had sold the land vide two sale deeds in the year 1996. On the basis of those sale deeds the mutation was entered in their favour. They came in possession and the revenue record reflected this fact. Their claim was that the appellant was trying to dispossess them and sought an injunction restraining the appellant from doing so. The suit having been decreed by both the Courts below, the appellant is before this Court.

Learned counsel for the appellant has argued that Ajaib Singh had executed a Will in favour of the predecessor-in-interest of the appellant. Both the Courts below have considered the Will and have come to the conclusion that after the sale the Will cease to have any meaning.

Learned counsel for the appellant has further argued that actually the respondents never came in possession of the land in dispute and the revenue record is wrong to that extent and consequently injunction could not have been granted.

I find no weight with this argument. There is no warrant to reach the conclusion that after a registered sale deed the mutation was wrongly entered in favour of the purchasers or that the purchasers never entered into possession. As the Courts below noticed, the preponderance of probability that the respondents were in possession was stronger than that the appellant was in possession.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

30.07.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No