

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

(170)

RSA-491-2017 (O&M)

Date of Decision: October 30, 2018.

BALJIT KAUR AND ANR.

..Appellants

Versus

HARKIMAT SINGH

..Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. M.K. Singla, Advocate, for the appellants.

AMIT RAWAL, J. (ORAL)

Appellants-plaintiffs have not been successful in seeking injunction against the defendant qua forcible interference in possession. The relief claimed is injunction in respect of the suit property on the premise that forefathers of the appellants had been in possession of the suit property for the last 50 years. Attempt was made to prove the possession by placing on record revenue record Ex. P-1 to P-17 i.e. Khasra Girdawari, Jamabandi and mutation to establish the possession. The trial Court dismissed the suit so did the Appellate Court.

It has been contended that the revenue record reflected the entry in the name of late father of the plaintiff which was not got corrected and therefore, the Courts below ought not to have drawn adverse inference. The cause of action to institute the suit arose only when the defendant tried to harvest the crop of the plaintiff. The Courts below have not read cross-examination of the plaintiffs in correct perspective as there was no admission that they were not under cultivation, thus there is abdication.

I have heard learned counsel for the appellants and of the view that there is no force and merit in the submission of Mr. Singla, for, as noticed above, even if the name of the late father of the plaintiffs was shown

in the revenue record, no effort was made by the plaintiffs to get the same corrected. No sane person, who is in actual physical possession would sit idle or would not get the revenue record updated. In order to claim injunction on the basis of possession, a person has to prima facie prove long and settled possession by placing on record direct and cogent evidence, which the plaintiffs miserably failed to prove. Ex.PX the judgment whereby the defendant had been convicted could not support the case of the plaintiffs as it was a case registered under Sections 323 IPC.

No ground is made out for interference. No substantial question of law arises for adjudication of this Court.

Dismissed.

October 30, 2018.
harsha

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No