

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.4920 of 2017 (O&M)

Date of Decision: November 26, 2018

Jasvir Singh

...Appellant

Versus

Sunita Rani & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Ashish Gupta, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful in seeking injunction against the defendants for forcible interference and dispossession before the trial court and as well as in appeal before the Lower Appellate Court.

Plaintiff sought injunction on the premise that he had purchased a plot measuring 100 sq.yards comprised in Khasra No.129/5 (0-2) from the previous owner Mohinder Singh vide sale deed dated 01.12.1994 and thereafter had constructed a house for residential purpose, but the defendants threatened the plaintiff with forcible dispossession and coined the registered sale deed dated 10.03.2010 which pertained to Khasra No.127/8 (4-15).

The sale deed had been proved as Ex.P1, jamabandi Ex.P2, notice dated 11.12.2013 Ex.P3, memo of appearance Ex. P4 and report of the Local Commissioner Ex.P5. The defendants had brought on record

photographs Ex.DA to Ex.DC and proved the documents through the testimony of DW1 and DW-2.

Mr. Ashish Gupta, learned counsel representing the appellant-plaintiff submitted that all this evidence established that the plaintiff has been able to prove the possession, yet the courts should not have non-suited for not claiming declaration on the basis of the same. In a suit for injunction, only possession has to be seen as the title was not in dispute.

I am afraid, the aforementioned argument is not sustainable as the plaintiff has not been able to prove the identify of the property of which there was a forcible threat. No neighbour of such vicinity has been examined nor any ration card or voter card issued at the address has been proved, therefore, the alleged threat for dispossession was only an imagination. In view of this, the courts had no other option but to decline the injunction.

For the reasons stated above, I do not find any illegality or perversity in the impugned findings under challenge. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 26, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No