

In the High Court of Punjab and Haryana at Chandigarh

RSA No. 6365 of 2017(O&M)

Date of Decision: 27.7.2018

Raghubir Singh

---Appellant

versus

Mohinder Kaur and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. S.S.Rangi, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against judgment and decree dated 4.5.2017 passed by the Additional District Judge, Hoshiarpur whereby the appeal preferred by respondents/defendants against the judgment and decree dated 30.3.2015 passed by the Civil Judge (Junior Division), Dasuya (hereinafter to be referred to as “the trial court”) has been accepted, judgment and decree dated 30.3.2015 were set aside and suit for permanent injunction restraining the respondents/defendants from interfering in lawful ownership, established and peaceful cultivating possession and dispossessing the plaintiff from land measuring 10 kanal 3 marlas, detailed in head note of the plaint, has been dismissed.

Counsel for the appellant has failed to point out any tangible materials on record in order to convince this Court that possession of land measuring 6 kanal 15 marlas was actually delivered to Raghubir Singh on

the basis of sale deed dated 11.5.2001 executed in his favour by Shanti Devi, widow of late Sh. Sansar Singh, mother of the plaintiff/appellant. Even he has failed to show that Smt. Shanti Devi, who purchased the land vide sale deed dated 7.10.1974 from Balandu etc., was actually put in possession of land, subject matter of sale deed in favour of Shanti Devi. In this view of the matter, I do not find an error much less illegality/perversity in the judgment passed by the Court in Appeal warranting intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. However, the appellant-plaintiff may take recourse to appropriate remedy in law for recovering possession by filing a suit for possession, if so permitted. No order as to costs.

(Rekha Mittal)
Judge

27.7.2018.

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No