

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

RSA No.589 of 2018 (O&M)

Date of Decision : 08.02.2018

Maya Devi and another

..... Appellants

Versus

Jeet Ram and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Pawan Attri, Advocate
for the appellants.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellants.

The appellants had filed a suit claiming that they were co-sharer in the house and sought an injunction restraining the respondents No.1, 2 and 3 from dispossessing them in any manner. The claim of the appellants was that their predecessor-in-interest, Jeet Ram and the father and grand father of the respondent No.4 had purchased a property measuring 210 sq. yards but the sale deed was executed only in the name of respondent No.1 and the father and grand father of the respondent No.4. Thereafter the parties built their independent houses on the property and that the respondent No.1 and his two sons were trying to illegally dispossess them. Respondent No.4 remained *ex-parte* but respondent No.1 appeared and stated that the predecessor-in-interest of the appellants had no interest in the property. He had never contributed any amount and he had been

respondent No.1. The counter claim was filed seeking possession. Both the Courts below came to the conclusion that the appellants were not able to prove that they had any right, title or interest in the property and held that it was the respondent No.1 who had built the house. The trial Court, on the basis of the admitted possession of the appellants granted an injunction restraining the respondents No.1, 2 and 3 from interfering in their possession except in due course of law but also went on to decree the suit of the respondents for possession.

The appellants filed an appeal against that part of the judgment of the trial Court whereby the counter claim of the respondent No.1 for possession had been allowed but even the lower appellate Court held that they had not been able to prove their ownership.

Learned counsel has not been able to show me any evidence which could lead to the conclusion that in fact the predecessor-in-interest of the appellants had contributed any money towards the purchase of the plot or the construction of the house.

In the circumstances, no fault can be found with the judgments of the Courts below.

Appeal is dismissed.

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

(**AJAY TEWARI**)
JUDGE

08.02.2018
Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No