

134

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

RSA No.6490 of 2017 (O&M)

Date of Decision: 07.09.2018

Mastan Chand (deceased through his LRs

.....Appellants

Versus

Haryana Wakf Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Satbir Rathore, Advocate
for the appellants.

ANIL KSHETARPAL J.(ORAL)

Plaintiff-appellant through his legal heirs is in the Regular Second Appeal against the concurrent findings of facts arrived at by the Courts below while dismissing his suit for permanent injunction.

Plaintiff filed a suit claiming that he is in possession of land measuring 138 kanals and 13 marlas since long and therefore, his possession should be protected.

Defendant No.1 Wakf Board, pleaded that property is in possession of defendant No.2 who is their lessee. Separate written statement had been filed by defendant No.2, claiming that lease deed in favour of the plaintiff, was cancelled vide order dated 16.12.1988 and thereafter property was leased by Wakf Board in favour of Kadam Singh, in the year 1988, who continued

RSA No.6490 of 2017 (O&M)

to enjoy the possession till 1991. Thereafter, the property was leased in favour of Alisher Anwar Aslam Khan in the year 2008-2009 and thereafter property has been leased out in favour of defendant No.2.

Both the Courts after appreciating the evidence have found that plaintiff has failed to prove his possession. The Courts have further found that the plaintiff has concealed the judgment and decree passed on 05.05.2000 Ex.D17 and Ex.D18 on the record. Therefore, the suit was dismissed. Learned First Appellate Court after re-appreciating the evidence has affirmed the aforesaid findings.

Although, learned counsel for the appellant made attempt to persuade this Court to take a different view, however, keeping in view the findings of the Courts below, which is neither shown to be perverse nor result of mis-reading or non-reading of evidence and as such this Court does not find any good ground to interfere.

Hence, Regular Second Appeal is hereby dismissed.

All the pending miscellaneous application(s), if any, is/are disposed of in terms thereof.

(ANIL KSHETARPAL)
JUDGE

September 07, 2018

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No