

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**RSA No.6180 of 2018 (O&M)
Date of Decision.19.11.2018**

Ajit

.....Appellant

Vs

Basti Ram and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. J.P. Jangu, Advocate for
Mr. Amardeep Sheoran, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in claiming injunction against the defendant with regard to suit property, which has been dismissed by the trial Court and affirmed by the lower Appellate Court.

The plaintiff claimed injunction on the ground of long and settled possession. However, in the cross-examination admitted possession of the defendant. Alternative prayer for resumption of the possession of the plaintiff in case the defendants succeeded in taking illegal possession during the pendency of the suit, can also not be granted as the legal notice dated 7.5.2005 on behalf of the plaintiff only indicated removal of illegal encroachment from the suit property. Even no attempt was made to establish possession through demarcation.

In view of the aforementioned observations, no fault can be found with the concurrent finding and fact arrived at by the Courts

below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 19, 2018

Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No