

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.972 of 2017 (O&M)
Date of Order:17.10.2018

Chanan Singh and another

..Appellants

Versus

Jassu and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Nayar, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

C.M.No.2185-C-2017

Prayer in this application is for condonation of delay of 20 days
in filing the appeal.

For reasons mentioned in the application, which is supported by
an affidavit, the delay of 20 days in filing the appeal is condoned.

Application is allowed.

MAIN

Plaintiffs-appellants are in the regular second appeal against the
concurrent findings of fact arrived at by both the courts below while
dismissing their suit for permanent injunction.

Plaintiffs claim that they have purchased the property from
Kishan Singh through an unregistered sale deed and have constructed the
boundary wall.

Defendants contested the suit and pleaded that in fact the

property was owned by Pargat Singh @ Babbu, who had donated it to the Gurudwara through a written agreement.

Both the courts have concurrently found that one of the plaintiff Chanan Singh while appearing as PW3 had admitted that village Gurudwara is situated over the property and before Gurudwara came into existence, Pargat Singh and Dhanna Singh were in possession, who had transferred the property in favour of Gurudwara.

Since, only suit for injunction has been decided and there was no issue of title, therefore, admission of one of the plaintiff that he is not in a possession is fatal to the case set up by the plaintiffs. Hence, no error is found in the findings of fact arrived at by the courts below.

In view thereof, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The regular second appeal is dismissed.

October 17, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No