

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

RSA-3108-2005(O&M)

Date of Order:01.02.2019

S.D.Sabha

..Appellant

Versus

Tara Chand and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.R.Vohra, Advocate,
for the appellant.

Mr. R.Akanksha, Advocate,
for respondent no.3.

Mr. Amit Jain, Advocate,
for respondent no.6.

ANIL KSHETARPAL, J (Oral)

Plaintiff-appellant a religious institution, claims to be managing a temple, is in the regular second appeal against the concurrent findings of fact arrived at by both the courts below while dismissing its suit for permanent, prohibitory and mandatory injunction.

The claim of the plaintiff was based upon a report of the revenue official in some previous proceedings.

Both the courts on appreciation of the evidence have found that the report is not in accordance with the instructions issued by the Financial Commissioner as incorporated in the High Court Rules and Orders.

Counsel for the appellant admits that the defendants have purchased the property from khasra no.1321 during pendency of the suit.

However, he claims that under that garb property which vests with the

plaintiff-Society land comprising in khasra nos.1318 and 1319 has been encroached upon.

Since, before this court there is no cogent evidence to prove the encroachment, therefore, this court finds no reason to interfere with the concurrent findings of fact arrived at by the courts below.

However, liberty is granted to the plaintiff to file a fresh suit after getting the property demarcated through a competent revenue official. If such suit is filed, the same shall be adjudicated upon without being influenced by the impugned judgments.

Needless to observe that the plaintiff shall be entitled to maintain a suit only after establishing his right and locus-standi.

In view of the question of law, which was framed at the time of admission does not survive.

The regular second appeal is disposed of accordingly.

February 01, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No