

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1005 of 2016 (O&M)
Date of Decision: May 24, 2019

Gurmej Lal

...Appellant

Versus

Bhagwan Dass

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. R.K.Arya, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been successful in claiming the injunction in respect of the suit property referred to herein against the respondent-defendant of forcible interference and dispossession.

It has been alleged that in the year 1974-75, under the Scheme of Central Government, the land owned by Gram Panchayat Bathwala, was allotted to establish residential colony for land-less labourers. Two plots bearing No.119 and 121 measuring 100 sq.yards were allotted to the family of one Om Parkash @ Omi Lal. Plot No.120 was allotted to one Bachan. Appellant previously residing in village Baupur Jattan and in the year 1988 shifted to Village Hardo Bathwala in Bhatha Colony. Om Parkash surrendered the possession of plot Nos.119 and 121 to the appellant-plaintiff in the year 1988 and he raised the construction of the house and enjoying the possession, but the defendant allegedly extended threat of dispossession.

Defendant opposed the suit and stated that the plaintiff under the garb of the suit wanted to take forcible possession of the plot, which has been allotted by the Gram Panchayat to the bonafide land-less labourers. The allotment was made to him in the year 1975 and since then he has been in possession.

Plaintiff, in support of the aforementioned pleadings, examined two witnesses and brought on record documents Ex.P1 to Ex.P6, whereas the defendant also examined two witnesses and brought on record judgment and decree dated 5.9.2006 as Ex.D1 and copy of allotment issued as mark-A.

Mr. R.K.Arya, learned counsel for the appellant-plaintiff submitted that both the courts below have misread the testimony of the defendant, who, in cross-examination admitted the existence of the house of the appellant-plaintiff and vis-a-vis his. In such circumstances, the decree was sine-qua-non.

I have heard the learned counsel for the appellant-plaintiff, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel, for, the defendant has given the description of the house as on the juxtaposition of the description and the details referred to above for which injunction was sought, are two different properties. However, the pith and substance of the written statement did not reflect any threat perception to the plaintiff. In such circumstances, plaintiff failed to prove on record the pleaded case.

For the reasons aforementioned, concurrent findings cannot be said to be suffering from any illegality or perversity. No ground for interference is made out, much less involvement of any substantial question

of law. Resultantly, the appeal is dismissed.

May 24, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No