

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

**RSA No.4261 of 2013 (O&M)
Date of Decision.08.01.2019**

Amritpal Singh

...Appellant

Vs

Jagraj Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Narinder S. Lucky, Advocate
for the appellant.

-:-

AMIT RAWAL J. (ORAL)

C.M. No.11494-C of 2013

For the reasons stated in the application, delay of 14 days
in filing of the appeal is condoned.

Application is allowed.

RSA No.4261 of 2013

The appellant-plaintiff has not been successful in
claiming declaration being a mortgagee and injunction from forcible
interference and dispossession on the premise that defendant was a
mortgagee of the property, who had further assigned mortgagee rights
vide registered deed dated 19.03.1999. It was alleged that plaintiff
was thereafter put into possession and continued to cultivate the land.
The defendant did not deny execution of the mortgage deed but gave
explanation of his signatures under the influence of liquor.

I am afraid aforementioned argument is not sustainable,
for, neither the original mortgage deed dated 19.03.1999 nor any
reference is reflected in the deed whereby Jargraj Singh derived title
of mortgagee for transferring the alleged rights to the plaintiff. Even

the jamabandi Ex.PC established possession of Jagraj Singh. In such circumstances, injunction of forcible interference and threat could not have been granted.

In view of the aforementioned facts, concurrent finding of fact rendered by the Courts below suffers from no illegality and perversity, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. The second appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 08, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No