

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

**RSA No.6959 of 2016 (O&M)
Date of decision:24.05.2019**

Jai Bhagwan and others

... Appellants

Vs.

Govinda and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.K.Chaudhary, Advocate for
Mr. Sukhdeep Parmar, Advocate
for the appellants.

Mr. Damodar Khurana, Advocate for
Mr. Nishant Raj Ghangas, Advocate
for the caveator/respondent No.1.

AMIT RAWAL J. (Oral)

In compliance of order dated 28.03.2019, affidavit of Jai Bhagwan-appellant no.1 has been produced in Court today planting 20 neem trees in the area of District Panipat. The same is take on record.

The appellant-defendants have not been successful in defending the suit for permanent injunction qua forcible interference and dispossession in respect of the suit property marked by letters ABCD shown in the site plan attached with plaint.

The plaintiffs while claiming the aforementioned relief relied upon certain documents i.e. electricity bills, ration card, voter card site plan and photographs whereas defendants placed on record certain voter cards.

The suit property of the plaintiffs reflected the house number as 2121 Sector 26, Gandhi Colony 703 whereas defendants placed on record bills of taxes paid to the Municipal Corporation on various dates in which address 730 Gandhi Colony was mentioned. They have also tendered the photocopy of the ration card, Mark B in which address was written as 1632 Sector 4, Gandhi Colony.

The appellant-defendants in cross-examination admitted that they did not have any proof of possession. In such circumstances, the suit for injunction qua forcible interference was liable to be decreed. In other words, the defendants failed to discharge the onus.

In view of the aforementioned observations, no ground is made out for interference.

Resultantly, the regular second appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 24, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No