

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

119

**RSA-1524-2017(O & M)
Date of Decision:13.03.2019**

Ved Singh

....appellant

Versus

Om Pal and others

.....respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.R.S.Budhwar, Advocate
for the appellant

AMIT RAWAL, J. (ORAL):

The plaintiff-appellant having not been successful in claiming injunction in respect of the suit property i.e.open space of land shown in khasra No.11/3(1-12) marked as ABCD, filed the present appeal.

Defendants opposed the suit and denied the possession of the plaintiff. Plaintiff in support of the evidence examined three witnesses. Mahinder Kapoor, Advocate, District Courts Karnal-PW1, Shashi Kant Sharma, Draftsman, District Court Karnal-PW2, who proved the site plan, and Ved Singh-PW3 plaintiff himself.

Defendants on the other hand, examined Om Pal-DW1, defendant No.1 himself, and tendered his affidavit as EX.DW1/A.

During the course of hearing, report of local commissioner dated 23.10.2010 brought on record as Ex.PW1/A and site plan Ex.PW1/D show that the heaps of Parali and cow dungs were lying in the suit property but did not show ownership and possession of the plaintiff.

Mr.R.S.Budhwar, learned counsel for the appellant submits that

the finding of fact and law of both the courts below in declining injunction without adverting to the jamabandi and khasra girdawari is preposterous, fallacious and it is not sustainable as the report of the local commissioner Ex.PW1/A and site plan Ex.PW1/D show the heaps of cow dung and parali.

I have heard learned counsel for the appellant and of the view that there is no force and merit in the aforementioned submissions as it was obligatory upon the plaintiff to prove the area in his possession by placing on record the demarcation report. Though jamabandi and khasra girdawari reflected the ownership over the aforesaid khasra number but not over the open space shown as ABCD in site plan. In such circumstances, the grievance of the appellant-plaintiff could not subsist.

The findings of fact and law, thus, cannot be said to be suffering from illegality or perversity. No ground for interference is made out, much less involvement of any substantial question of law.

Resultantly, the appeal is dismissed.

March 13, 2019
neenu

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No