

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

RSA-5454-2019 (O&M)
Date of decision: 05.12.2019

Sher Singh

...Appellant

Versus

Major Singh

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. P.K. Ganga, Advocate for the appellant.

H.S. MADAAN, J. (Oral)

The plaintiff had brought a suit for mandatory injunction seeking return of tractor bearing registration No.HR-25-E-0794, make Sonalika International DI 750 III, RX Model 2016 along with trolley and crasher loaded in it, besides seeking a decree for permanent injunction restraining the defendant from alienating the tractor-trolley and crasher to anybody else.

The defendant had appeared and contested the suit, though, admitting plaintiff to be registered owner of the tractor but came up with a plea that he had handed over the same to him in lieu of payment due against him on account of purchasing cement. The defendant could not establish that plea by leading cogent and convincing evidence, resultantly, the trial Court had decreed the suit of the plaintiff.

The defendant filed an appeal against the judgment and decree of the trial Court, which was also dismissed and the defendant was

directed to return the tractor immediately to the plaintiff as decided by the trial Court; further directing that if he does not hand over the tractor within a period of 30 days from the date of judgment and decree, then, he would be liable to pay Rs.1000/- per day as usual charges of the tractor, vide judgment and decree dated 10.10.2019.

The defendant has now approached this Court by way of filing Regular Second Appeal.

I have heard learned counsel for the appellant besides going through the record and I find that the judgments passed by the Courts below are quite detailed and well reasoned, do not suffer from any illegality or infirmity. There is no ground to interfere therewith. No substantial question of law arises. Therefore, finding no merit in the instant appeal the same stands dismissed.

05.12.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No