

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

**RSA No.5849 of 2017 (O&M)
Date of decision:23.05.2019**

Balkar Singh

... Appellant

Vs.

Gurdial Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Raman Goklaney, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in claiming the injunction qua forcible interference and possession against the defendant-respondent.

It was alleged that appellant-plaintiff had been in continuous possession of the suit land. The suit land was owned by the Railway Department but the defendant alleged to be an employee of Railway and started interfering into possession, therefore, the suit was filed.

The defendant-respondent opposed the suit and denied the possession of the plaintiff but admitted that land was owned by the Railway Department.

The plaintiff in support of the pleadings examined himself as PW1, PW2-Malkit Singh and PW3-Suba Singh and brought on record certain documents i.e. panchayatnama and letter of railway marked Mark A and Mark B showing his possession. On the other hand, defendant examined

three witnesses.

Mr. Raman Goklaney, learned counsel appearing on behalf of the appellant-plaintiff submitted that cross-examination of the defendant reflected the possession of the plaintiff since long. Since there was no revenue record, the same can only be gathered from the circumstances. The marked documents reveal the allocation of land by the Railway Department to the plaintiff, therefore, there is gross illegality and perversity in the impugned findings.

I am afraid the aforementioned arguments are not sustainable, for, even if the plaintiff had been in long and settled possession, he is required to lead the evidence qua long and settled possession in order to protect his possession. In the absence of the same, marked documents could not have been looked into in the absence of proof.

The arguments of Mr. Raman Goklaney, have not been able to bring the case within the realm of illegality and perversity to form a different opinion than the one arrived at by the Courts below. No substantial question of law arises for adjudication of the present appeal.

Resultantly, the appeal is dismissed.

	(AMIT RAWAL)
	JUDGE
May 23, 2019	
savita	
Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No