

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RSA No.6050 of 2017 (O&M)  
Date of Decision: March 01, 2019

1. RSA No.6050 of 2017 (O&M)

Dhoom Singh

...Appellant

Versus

Vedpal & others

...Respondents

2. RSA No.5297 of 2017 (O&M)

Dhoom Singh

...Appellant

Versus

Vedpal & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Jagram Singh Cooner, Advocate,  
for the appellant in both the cases.

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**AMIT RAWAL, J. (Oral)**

CM No.15853-C of 2017 in RSA No.6050 of 2017 &  
CM No.14167-C of 2017 in RSA No.5297 of 2017

For the reasons mentioned in the applications, which are  
supported by affidavits, delay of 14 days in filing the appeals is condoned.

Applications stand allowed.

RSA Nos.6050 & 5297 of 2017

This order of mine shall dispose of two Regular Second  
Appeals bearing No.6050 and 5297 of 2017 as the common question of fact  
and law is involved.

RSA No.6050 of 2017 has been preferred against the dismissal

of the suit by the courts below, whereas RSA No.5297 of 2017 has been filed against the decretal of the counter claim by the Lower Appellate Court filed by the defendants pertaining to same very property on which both the parties relied upon the site plans Ex.PW3/A and Ex.DW3/3.

Plaintiffs asserted that the suit land shown as ABCD in the site plan was in their possession including the site in dispute, but the defendants wanted to forcibly interfere in the peaceful possession. The defendants laid a counter claim that the land in dispute was adjacent to their land and, therefore, the possession was with them and relied upon a Parman Patar.

Mr. Jagram Singh Cooner, learned counsel representing the appellant- plaintiff submitted that the site plan has been proved through the testimony of PW-3 Ram Niwas and defendants examined Sukhbir Singh DW-1. The alleged recording of the concession in the cross-examination cannot be a genesis for decretal of the counter claim and dismissal of the suit as the land is situated in the abadi deh and did not have any revenue record. Parnam Patar once has been rejected, the courts below should not have gone in the arena of surmises and conjectures. The photographs are not of the exact area and, therefore, emphatically denied by the plaintiff, therefore, there is illegality and perversity.

I have heard the learned counsel for the appellant and appraised the paper book.

The plaintiff, in cross-examination, admitted that the wall shown as AB in his site plan was of the defendants and was abutted to the suit land. The appellant did not admit the photographs Mark E to Mark I of the suit land. In my view, the plaintiff miserably failed to prove the possession of the suit land for the purpose of injunction. On the other hand,

the defendants' case has been proved through the testimony of the witnesses.

The pleadings may not tell lie, but the person appearing for the cross-examination, sometimes do not withstand the wrath of the cross-examination as it is so in the present case.

For the reasons mentioned above, I do not find any illegality or perversity in the concurrent findings, which are based on appreciation of oral and documentary evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeals are dismissed.

**March 01, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**