

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

RSA No.617 of 2018 (O&M)

Date of decision : 07.03.2019

Ram Juari and another

...Appellants

Versus

Pawan Kumar Thareja

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts, dismissing the suit for permanent injunction.

The Courts have noticed that previously also father and brother of the plaintiff had filed a similar suit for injunction which had gone against them. The Courts have further found that the plaintiffs have failed to prove their exclusive possession.

Learned Senior counsel for the appellants has submitted that the plaintiffs are purchasers of the property through two sale deeds in which it has noticed that the possession was delivered to the plaintiffs.

No doubt, the plaintiffs claimed that they have purchased the property through two registered sale deeds, however, once the plaintiffs

have failed to prove their exclusive possession over the property, their suit for injunction is not maintainable. It would always be open for the plaintiffs to file appropriate proceedings on the basis of title and get it adjudicated.

Hence, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

07.03.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No