

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

RSA No.1439 of 2017 (O&M)
Date of Decision.29.03.2019

Avtar Chand and others

.....Appellants

Vs

Harjit Kaur

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naresh Prabhakar, Advocate
for the appellants.

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AMIT RAWAL J.(ORAL)

The appellants-defendants are against the concurrent finding of fact whereby suit of the respondent-plaintiff for permanent injunction from forcible interference with the help of police has been decreed.

Plaintiff alleged that she was married to Davinder Singh son of Avtar Chand, defendant No.1 (father-in-law) and had been in possession of house built on 14 marlas and electric connection, passport and aadhar card were in her name. After the demise of husband of plaintiff on 24.6.2007, she had been working as Anganwari Worker at Village Kadupur, Kapurthala and since defendants were nursing grudge against the plaintiff, threatened to dispossess her, therefore, cause of action accrued to file the suit.

Defendants opposed the suit and denied possession and ownership of the plaintiff and stated that Avtar Chand along with other persons were owners as *saunjidars* to the extent of 1/5th share each. The suit land is situated at distance of village abadi of Kadpur. The plaintiff eloped

with one Iqbal Singh, which brought a disrepute to the family. The extent of the red portion of the residential house and open space was not disputed.

Plaintiff examined six witnesses whereas defendants examined five witnesses and tendered into evidence jamabandies for the year 2009/2010 Ex.D7/A and D7/B.

Mr. Naresh Parbhakar, learned counsel appearing on behalf of the appellant submitted that status of the respondent-plaintiff was only of a licensee. The finding that the land is owned by Gram Panchayat is not correct interpretation of the jamabandi, which shows *saunjidars*. The permanent injunction is without any rider of seeking possession in accordance with law.

I have heard learned counsel for the appellants, appraised the paper book and of the view that there is no force and merit for the simple reason that relation between the appellant-defendant No.1 and the respondent-plaintiff is father-in-law and daughter-in-law. The plaintiff has been able to prove possession through ration card, voter identity card, aadhar card and electricity connection. As per the resolution brought on record, Gram Panchayat is the owner of property. In suit for injunction, title is not to be decided and focus is always on the long and settled possession, which has not been disputed by the appellants-defendants. There have been force in the argument of Mr. Parbhakar, had injunction being of permanent nature on perusal of the finding, it is only with the help of police. There is no estoppel for taking possession in accordance with law.

In view of such circumstances, I do not find any illegality and perversity in the concurrent finding of fact and law rendered by the Courts below, much less, no substantial question of law arises for determination by

this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

March 29, 2019
Pankaj*

Whether speaking/reasoned	Yes
Whether reportable	No