

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

**CR No. 3442 of 2016 (O&M)
Date of Decision: 27.01.2020**

Major Singh

.... Petitioner

Versus

Balwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Sandeep Arora, Advocate
for respondent No. 2.

ANIL KSHETARPAL, J. (ORAL)

The present revision petition has been filed by the plaintiff against dismissal of suit filed under Section 6 of Specific Relief Act, 1963 for restoring the possession of house property bearing No. 172, situated in Mohalla Sangat Singh Nagar, Jalandhar.

The plaintiff claims that he has been forcibly dispossessed from the suit property. On the other hand, respondents claim that after partition of the country in the year 1947, the family of respondent No. 2 shifted to India and started residing in the house in question. It has been pleaded that the parents as well as brother of defendant No. 2 had died whereas defendant No. 2 after marriage had started residing with her in-laws.

When she visited the house, it was found that some construction was being carried out. She immediately swung into action and with the help of residents of the area, she took over the possession.

Learned trial Court on appreciation of evidence found that the plaintiff has failed to prove his settled position. The learned trial Court, even though it was not required, also examined entitlement of the petitioner to the suit property. The Court on both counts found that the plaintiff has failed to prove its case. The plaintiff relies upon an electricity bill of electricity connection in the property in dispute. Further, it has been noticed that no evidence has been produced to prove that the electricity connection was installed in the property in dispute.

In absence of the evidence to prove that the plaintiff was in settled position of the suit property and he was forcibly dispossessed, this Court does not find any good ground to interfere.

Accordingly, the present petition is dismissed.

However, the plaintiff would be at liberty to file a fresh suit after establishing his title.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

(ANIL KSHETARPAL)
JUDGE

27.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No