

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3188 of 2012 (O&M)

Date of Order: 26.02.2020

Jaipal Singh

..Appellant

Versus

Harbhajan Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Madan Lal Saini, Advocate,
for the appellant.

Mr.M.S.Joshi, Advocate,
for respondent no.2.

Mr. Gulam Nabi Malik, Advocate,
for respondent no.7.

ANIL KSHETARPAL, J.

Defendant no.1-appellant has filed the present regular second
appeal against the judgment passed by the learned first appellate court.

Caption of the suit reads as under:-

*“Suit for permanent injunction restraining the
defendants, their agents, servants, partymen and
attorney from interfering in the peaceful possession of
the plaintiffs and forcibly dispossessing the plaintiff and
forcibly carving the passage over the land bearing
khewat/khatoni No.187/551 khasra No.109(9-17)
situated at village Charanson, Tehsil and District
Patiala. Copy of Jamabandi for the year 2002-2003 is
attached herewith.”*

Learned counsel for defendant no.1-appellant admits that the defendants have no concern with the suit property i.e. Khasra No.109(9-17). However, he submits that there is a passage adjoining thereto which is in dispute.

Learned first appellate court on appreciation of evidence has found that the suit property is owned by Punjab Wakf Board and the plaintiffs were lessees under the Punjab Wakf Board. Punjab Wakf Board has also admitted the claim of the plaintiffs.

Learned first appellate court has granted decree of permanent injunction restraining the defendants from interfering in possession of the plaintiffs with respect to land comprised in khasra no.109(9-17).

Since, counsel for defendant no.1-appellant has admitted that the defendant no.1-appellant has no right, title or interest in the property and the passage in question is not being claimed from the land comprised in khasra no.109(9-17), therefore, there is no ground to interfere. If, there is any dispute with regard to common passage, if any, defendant no.1-appellant would be at liberty to initiate appropriate proceedings.

Disposed of accordingly.

February 26, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No