

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

RSA No. 4303 of 2019 (O&M)

Date of decision: 25.09.2020.

Gajjan Singh and others

..... Appellants.

Versus

Mohinder Kaur and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Jitender Singh Dadwal, Advocate, for the appellants.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The appellants/plaintiffs have challenged the judgment and decree of the Courts below whereby their suit for permanent injunction restraining the respondents/defendants from interfering into their peaceful possession and dispossessing them from the suit property has been dismissed.

Learned counsel for the appellants/plaintiffs contends that the judgment and decree of the Courts below are unwarranted from the evidence on record.

Heard.

The appellants/plaintiffs had filed the suit for permanent injunction stating that they were in possession of the property in question, i.e. 'Haveli' measuring 1 kanal 2.2 marlas, as shown in red colour in the site plan attached with the plaint. It was also stated that they were in possession of the suit property prior to 26.01.1950.

The appellants/plaintiffs are stated to have examined four witnesses, but they had not produced on record any 'jamabandi' or revenue record regarding ownership or possession of the appellants/plaintiffs over the suit property. Appellant/plaintiff No. 1 admitted in his cross-examination that he had not produced on record any proof with regard to his ownership over the property. He had also stated that the suit property was not demarcated. Appellant/plaintiff No. 2 had also deposed that he was not having any proof with regard to ownership of the suit land and admitted that he had not placed on record any 'jamabandi' or revenue record regarding possession of the suit land and its ownership. The appellants/plaintiffs have relied upon one document Ex. DB, which is the site plan of the village, but there is no documentary evidence, which has been produced on record to indicate that the appellants/plaintiffs are owners of the suit property or they are in possession thereof. Therefore, I do not find any illegality in the judgment and decree passed by the Courts below.

Consequently, the appeal stands dismissed.

Pending application(s), if any, shall stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

25.09.2020
Ramesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No