

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

RSA No. 3128 of 2017(O&M)

Date of decision: 17.2.2020

Gram Panchayat of village PalraAppellant

VERSUS

Santosh Devi and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.D. Yadav, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for permanent injunction restraining the defendants (including the appellant) from interfering in the suit land shown in the site plan was decreed by the trial Court vide judgment and decree dated 07.04.2016 that came to be affirmed in appeal with regard to grant of permanent injunction but findings of the trial Court on the question of ownership of suit land were set aside by the Additional District Judge, Jhajjar.

The precise issue involved in the present appeal is whether findings of the Courts accepting plea of respondents/plaintiffs that they are in possession of suit land measuring 3 kanal 11 marlas, detailed in para 2 of the judgment of trial Court suffer from perversity or liable to be set aside on any score whatever.

Counsel for the appellant has failed to point out if findings of the Courts on the question of possession are the result of misreading of evidence or taking into consideration evidence beyond pleadings or which otherwise does not have bearing on decision qua merits of the case. He has also failed to point out that there is evidence on record to establish that it is the Gram Panchayat of village Palra which is in possession of the suit land sufficient to counter plea of the respondents/plaintiffs in regard to their possession of the suit property. That being so, I do not find an error much less perversity in concurrent findings recorded on the aforesaid aspect of the matter on the basis whereof suit of the respondents/plaintiffs for grant of injunction against interference in their possession except in due course of law has been decreed.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. However, nothing stated in this order shall prejudice right of the appellant to recover possession of suit land, in accordance with law.

FEBRUARY 17, 2020

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no