

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

RSA-5768-2018 (O&M)
Date of decision : 03.02.2020

Balbir Singh

...Appellant

Versus

Ujagar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Mamli, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the Regular Second Appeal against the concurrent findings of fact arrived at by the Courts below decreeing the suit for permanent injunction filed by the plaintiff-respondent restraining the defendant from interfering in his peaceful possession.

The defendant contested the suit by pleading that he is tenant in possession of the property and have also constructed a room.

Both the Courts, on appreciation of evidence, have found that the defendant-appellant could not produce any substantive evidence to prove his tenancy.

Learned counsel for the appellant, has submitted that when the revenue official went to the spot, he had found that the appellant is in possession of the property. Hence, he submitted that the Courts erred in decreeing the suit.

In the present case, the defence taken by the defendant is to the effect that he is tenant in possession of the premises. The defendant did not produce any substantive evidence to prove that he is tenant in possession. A report by a revenue official for the purpose of preparation of khasra girdawri is not binding on the Civil Court. The jurisdiction to determine that who is in possession exclusively vests with the Civil Court.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

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

03.02.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No