

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

**RSA No. 5531 of 2019 (O&M)
Date of Decision: 21.01.2020**

Gurmail Singh and others

.... Appellants

Versus

Beant Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

The defendant-appellants are in regular second appeal against the concurrent finding of fact arrived at by the Courts below decreeing suit for permanent injunction filed by the plaintiff restraining defendants from forcibly and illegally intervening in the possession of the plaintiff.

The plaintiff filed the present suit by claiming that he and his brother are owners in possession of house in dispute constructed over land measuring 1 Kanal, 10 Marlas comprised in Khasra No. 905, Khewat 32, Khatauni 42. It is pleaded case of the plaintiff that his father was owner in possession of the property and after his death, mutation of inheritance has been sanctioned in favour of the plaintiff and his brother Balkaran Singh.

Defendants contested the suit by pleading that they have purchased the property through Writings dated 09.05.2004 and 31.07.2007. Defendants claimed that they have constructed their house. On appreciation of evidence, the Court has found that the unregistered writings do not convey any title. The defendants have further failed to prove that their predecessor-in-interest had any title.

The First Appellate Court on re-appreciation of evidence has concurred with the finding of fact arrived at by the learned trial Court.

Learned counsel for the appellants submitted that in the head note of the suit, khasra numbers have not been mentioned and therefore, their suit was not maintainable.

On being pointed out, he admitted that in the pleadings, the plaintiff has referred to khewat, khatauni and khasra number. In the head note, no doubt, the plaintiff has only referred to the category of the case i.e. suit for permanent injunction. However, it is not mandatory that entire detail of property must be mentioned in the caption of the plaint. Once, in the pleadings, the land in dispute has been identified by referring to khewat, khatauni, khasra numbers, then there was no dispute with regard to identification of the property.

Hence, this Court does not find any substance in the pleadings raised by learned counsel for the appellants. In view thereof, there is no ground to interfere.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

21.01.2020
Maninder

Whether speaking/reasoned	:	Yes
Whether reportable	:	No